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ABSTRACT

The report concerns H.R. 4904, a bill to establish a program of grants to states to promote the provision of technology related assistance to individuals with disabilities. Other aspects of the bill include authorization of a study on the financing of assistive technology devices and services, a feasibility study for establishing a National Information and Program Referral Network in Technology Related Assistance for Individuals with Disabilities, support of training and public awareness grants concerning knowledge of and effective use of assistive technology, and funding of demonstration and innovation projects related to technology-related assistance. After the text of the act, there is a summary, a review of Committee action (which reported the bill favorably to the full House), in depth consideration of the background and need for the legislation, and an explanation of the bill and Committee views. The bill authorizes the appropriation for the first year of \$9,000,000 for Title I of the bill and \$5,000,000 for Title II of the bill. (DB)

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100TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
100-819

TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988

AUGUST 4, 1988.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor,
submitted the following

REPORT

[To accompany H.R. 4904]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 4904) to establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology-Related Assistance for Individuals With Disabilities Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of most residents of the United States.

(2) For all individuals, technology can provide important tools for making the performance of tasks quicker and easier.

(3) For some individuals with disabilities, assistive technology is a necessity that enables them to engage in or perform many tasks. The provision of assistive technology devices and assistive technology services enables some individuals with disabilities to—

(A) have greater control over their own lives;

(B) participate in and contribute more fully to activities in their home, school, and work environments, and in their communities;

(C) interact to a greater extent with nondisabled individuals; and

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(D) otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

(4) Although the development of assistive technology devices designed to assist individuals with disabilities is still in its early stages, there already exist a substantial number of assistive technology devices, including simple adaptations to existing equipment, that could significantly benefit, in all major life activities, individuals of all ages with disabilities. Such devices, including adaptations, could be used in programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

(5) The use of assistive technology devices and services by individuals with disabilities can reduce the costs of the disabilities to society, individuals with disabilities, and families of individuals with disabilities by reducing expenditures associated with early intervention, education, rehabilitation, health care, transportation, telecommunication services, and other services required by individuals with disabilities.

(6) Many individuals with disabilities do not have access to the assistive technology devices and assistive technology services that such individuals need to allow such individuals to function in society commensurate with their abilities. States do not have comprehensive programs for making available technology-related assistance to individuals with disabilities. There is a lack of—

(A) resources to pay for such devices and services;

(B) trained personnel to provide such devices and services and to assist individuals with disabilities to use such devices and services;

(C) information about the potential of technology available to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;

(D) coordination among existing State human services programs, and among such programs and private agencies, particularly with respect to transitions between such programs and agencies; and

(E) capacity of such programs to provide the necessary technology-related assistance.

(7) There are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of limited markets.

(8) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. Also, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To provide financial assistance to the States to help each State to develop and implement a consumer-responsive statewide program of technology-related assistance for individuals of all ages with disabilities that is designed to—

(A) increase awareness of the needs of individuals with disabilities for assistive technology devices and assistive technology services;

(B) increase awareness of policies, practices, and procedures that facilitate or impede the availability or provision of assistive technology devices and assistive technology services;

(C) increase the availability of and funding for the provision of assistive technology devices and assistive technology services for individuals with disabilities;

(D) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;

(E) increase the capacity of public and private entities to provide technology-related assistance, particularly assistive technology devices and assistive technology services, and to pay for the provision of assistive technology devices and assistive technology services;

(F) increase coordination among State agencies and public and private entities that provide technology-related assistance, particularly assistive technology devices and assistive technology services; and

(G) increase the probability that individuals of all ages with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living.

(2) To facilitate—

(A) the identification of Federal policies that facilitate payment for assistive technology devices and assistive technology services for individuals with disabilities;

(B) the identification of Federal policies that impede such payment; and

(C) the elimination of inappropriate barriers to such payment.

(3) To enhance the ability of the Federal Government to provide the States with—

(A) technical assistance, information, and training and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and

(B) funding for model demonstration and innovation projects.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) **ASSISTIVE TECHNOLOGY DEVICE.**—The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(2) **ASSISTIVE TECHNOLOGY SERVICE.**—The term “assistive technology service” means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(3) **INDIVIDUAL WITH DISABILITIES.**—The term “individual with disabilities” means any individual—

(A) who is considered to have a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides; and

(B) who is or would be enabled by assistive technology devices or assistive technology services to maintain a level of functioning or to achieve a greater level of functioning in any major life activity.

(4) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 435(b) of the Higher Education Act of 1965, and includes community colleges receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(6) **STATE.**—Except as otherwise provided, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(7) **TECHNOLOGY-RELATED ASSISTANCE.**—The term “technology-related assistance” means functions performed and activities carried out under section 101 that accomplish the purposes described in section 2(b)(1).

(8) **UNDERSERVED GROUP.**—The term “underserved group” means any group of individuals with disabilities who, because of disability, place of residence, geographic location, age, race, sex, or socioeconomic status, have not historically sought, been eligible for, or received technology-related assistance.

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) **GRANTS TO STATES.**—The Secretary of Education shall make grants to States in accordance with the provisions of this title to assist States to develop and implement consumer-responsive comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

(b) **FUNCTIONS OF PROGRAMS.**—Any State that receives a grant under this title may accomplish the purposes described in section 2(b)(1) by carrying out any of the following functions:

(1) **IDENTIFICATION AND NEEDS ASSESSMENT.**—Identification of individuals with disabilities (including individuals from underserved groups) who reside in the State and the conduct of an ongoing evaluation of the needs of such individuals for technology-related assistance, which may be based on existing data.

(2) **IDENTIFICATION AND COORDINATION OF RESOURCES.**—Identification and coordination of Federal and State policies, resources, and services relating to the provision of assistive technology devices and assistive technology services to individuals with disabilities, including entering into interagency agreements.

(3) **PROVISION OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.**—Provision of assistive technology devices and assistive technology services to individuals with disabilities and payment for the provision of assistive technology devices and assistive technology services.

(4) **DISSEMINATION OF INFORMATION.**—Dissemination of information relating to technology-related assistance and sources of funding for assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individual with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(5) **TRAINING AND TECHNICAL ASSISTANCE.**—Provision of training and technical assistance relating to assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(6) **PUBLIC AWARENESS PROGRAM.**—Conduct of a public awareness program focusing on the efficacy and availability of assistive technology devices and assistive technology services for individuals with disabilities.

(7) **ASSISTANCE TO STATEWIDE AND COMMUNITY-BASED ORGANIZATIONS.**—Provision of assistance to statewide and community-based organizations or systems that provide assistive technology services to individuals with disabilities.

(8) **PARTNERSHIPS AND COOPERATIVE INITIATIVES.**—Support of the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to facilitate the development and implementation of a statewide program of technology-related assistance for individuals with disabilities.

(9) **QUALIFICATIONS OF STAFF.**—Taking actions to develop standards, or where appropriate, apply existing standards to ensure the availability of qualified personnel.

(10) **PROGRAM DATA.**—Compilation and evaluation of appropriate data relating to the program.

(11) **PROCEDURES FOR INVOLVEMENT OF CONCERNED INDIVIDUALS.**—The establishment of procedures providing for the active involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals in the development and implementation of the program, and for the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices and assistive technology services in decisions relating to such assistive technology devices and assistive technology services.

(12) **OTHER FUNCTIONS.**—Any other functions the Secretary considers appropriate.

(c) **AUTHORIZED ACTIVITIES.**—In carrying out the functions described in subsection (b), any State may use amounts made available to the State under a grant under this title for activities including the following:

(1) **MODEL DELIVERY SYSTEMS.**—The State may support model systems for the delivery of assistive technology devices and assistive technology services to individuals with disabilities that if successful could be replicated or made generally applicable. Any such system may include—

(A) the purchase, lease, or other acquisition of assistive technology devices and assistive technology services or payment for the provision of assistive technology devices and assistive technology services;

(B) the use of counselors, including peer counselors, to assist individuals with disabilities and the families of individuals with disabilities to obtain assistive technology devices and assistive technology services;

(C) the involvement of individuals with disabilities or, if appropriate, families or representatives of individuals with disabilities in decisions related to the provision of assistive technology devices and assistive technology services to individuals with disabilities; and

(D) the evaluation of the efficacy of the particular model delivery system involved.

(2) **STATEWIDE NEEDS ASSESSMENT.**—The State may conduct a statewide needs assessment, which may be based on existing data and may include—

(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

(B) a description of efforts during the fiscal year ending before the date of the enactment of this Act to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

(ii) a description of the devices and services provided;

(C) the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

(D) the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

(E) a description of State and local public resources and private resources (including insurance) that are available to establish a statewide program of technology-related assistance for individuals with disabilities;

(F) the identification of State and Federal policies that facilitate or interfere with the operation of a statewide program of technology-related assistance;

(G) a description of—

(i) alternative State-financed systems of subsidies for the provision of assistive technology devices and assistive technology services, including—

(I) a loan system for assistive technology devices;

(II) a low-interest loan fund;

(III) a revolving fund;

(IV) a loan insurance program; and

(V) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provision of assistive technology services; and

(ii) a description of the eligibility criteria for such a system;

(H) a description of the State's procurement policies and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance under a grant under this title are compatible with other technology devices, including technology devices designed primarily for use by individuals without disabilities, elderly individuals, or individuals with particular disabilities; and

(I) an inquiry into whether it is advantageous for either a State agency or a task force (composed of individuals representing the State and individuals representing the private sector) to study the practices of private insurance

companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

- (i) the purchase, lease, or other acquisition of assistive technology devices; or
- (ii) the use of assistive technology services.

(3) **SUPPORT GROUPS.**—The State may encourage the creation or maintenance of statewide or community-based organizations or systems that assist individuals with disabilities to use assistive technology devices or assistive technology services, or support any existing organization or system that provides such assistance.

(4) **PUBLIC AWARENESS PROGRAM.**—The State may support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals, or may establish and support such a program if no such program exists. Such a program may include—

(A) the development and dissemination of information relating to—

- (i) the nature of assistive technology devices and assistive technology services;
- (ii) the appropriateness, cost, and availability of, and access to assistive technology devices and assistive technology services; and
- (iii) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

(B) procedures for providing direct communication between public providers of assistive technology devices and assistive technology services and private providers of such devices and services (including employers); and

(C) the development and dissemination of information relating to—

- (i) use of the program by individuals with disabilities, families or representatives of individuals with disabilities, and professionals who work in the field of technology-related assistance, and other appropriate individuals; and
- (ii) the nature of the inquiries made by the individuals described in clause (i).

(5) **TRAINING AND TECHNICAL ASSISTANCE.**—The State may provide directly or support public or private training and technical assistance activities relating to the use of assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(6) **ACCESS TO TECHNOLOGY-RELATED INFORMATION.**—The State may develop, operate, or expand a system for public access to information concerning technology-related assistance, including information about assistive technology devices and assistive technology services, funding sources, costs, and individuals, organizations, and agencies capable of providing technology-related assistance to individuals with disabilities. In developing, operating, or expanding a system described in the preceding sentence, the State may—

(A) develop, compile, and categorize print, braille, audio, and video materials containing the information described in such sentence;

(B) identify and classify existing funding sources, conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(C) identify existing support groups and systems designed to help individuals with disabilities make effective use of technology-related assistance; and

(D) maintain a record of the extent to which citizens of the State use or make inquiries of the system established under this paragraph, and of the nature of such inquiries.

(7) **INTERSTATE AGREEMENTS.**—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals of all ages with disabilities to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology serv-

ices that such individuals need at home, school, work, or in other environments that are part of daily living.

(8) **OTHER ACTIVITIES.**—The State may utilize amounts made available under grants made under this title for any other activities necessary for developing, implementing, or evaluating the statewide program of technology-related assistance.

SEC. 102. DEVELOPMENT GRANTS.

(a) **GENERAL AUTHORITY.**—The Secretary shall award to States 3-year grants to assist States to develop and implement statewide programs of technology-related assistance for individuals with disabilities in accordance with the provisions of section 101.

(b) **NUMBER OF GRANTS TO BE AWARDED.**—From amounts appropriated under section 106, the Secretary shall award under this section, to the extent appropriate applications are submitted—

- (1) in the first fiscal year for which amounts are appropriated, not more than 10 grants on a competitive basis;
- (2) in the second fiscal year for which amounts are appropriated, not more than 20 grants on a competitive basis; and
- (3) in the third fiscal year for which amounts are appropriated, any number of grants on a competitive basis.

(c) AMOUNTS OF GRANTS.—

(1) **GRANTS TO STATES.**—From amounts appropriated under section 106, the Secretary shall pay to each State that receives a grant under this section—

(A) for each of the first 2 years of the grant period, an amount that is not less than \$500,000 and not more than \$1,000,000; and

(B) for the third year of the grant period, an amount that is not less than \$500,000 and not more than \$1,500,000.

(2) **GRANTS TO TERRITORIES.**—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than \$150,000.

(3) **CALCULATION OF AMOUNTS.**—The Secretary shall calculate the amounts described in paragraphs (1) and (2) on the basis of—

(A) amounts available for making grants under this section;

(B) the population of the State or territory concerned; and

(C) the types of activities proposed by the State relating to the development of a statewide program of technology-related assistance.

(4) **PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.**—Amounts appropriated for purposes of carrying out the provisions of this section in each of the 2 fiscal years succeeding the fiscal year in which amounts are first appropriated for such purposes shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

(5) **DEFINITIONS.**—For purposes of this subsection:

(A) The term "State" does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(B) The term "territory" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(d) **PRIORITIES FOR DISTRIBUTION.**—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

(1) is geographically equitable; and

(2) distributes the grants among States that have differing levels of development of statewide programs of technology-related assistance.

(e) **APPLICATIONS.**—Any State that desires to receive a grant under this section shall submit an application that contains the following information and assurances:

(1) **DESIGNATION OF RESPONSIBLE ENTITY.**—The designation by the Governor of the office, agency, entity, or individual responsible for—

(A) preparing the application;

(B) administering and supervising the use of amounts made available under the grant;

(C) planning and developing the statewide program of technology-related assistance;

(D) coordination between public and private agencies, including the entering into of interagency agreements;

(E) ensuring active, timely, and meaningful participation by individuals with disabilities, the families or representatives of such individuals, and

other appropriate individuals with respect to performing functions and carrying out activities under the grant; and

(F) the delegation of any responsibilities described above, in whole or in part, to one or more appropriate offices, agencies, entities, or individuals.

(2) **AGENCY INVOLVEMENT.**—A description of the nature and extent of involvement of various State agencies in the preparation of the application and the continuing role of such agencies in the development of the statewide program of technology-related assistance.

(3) **PUBLIC INVOLVEMENT.**—A description of the nature and extent of involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals who are not employed by a State agency in the development of the application and the continuing role of such individuals in the development of the statewide program of technology-related assistance.

(4) **PRELIMINARY NEEDS ASSESSMENT.**—A tentative assessment of the extent of the need of individuals with disabilities in the State, including individuals from underserved groups, for a statewide program of technology-related assistance and a description of previous efforts and efforts continuing on the date of the application to develop a statewide program of technology-related assistance.

(5) **STATE RESOURCES.**—A description of State resources and other resources (to the extent such information is available) that are available to commit to the development of a statewide program of technology-related assistance.

(6) **GOALS, OBJECTIVES, FUNCTIONS, ACTIVITIES, AND OUTCOMES.**—The State's goals, objectives, functions, and activities planned under the grant, and the expected outcomes at the end of the grant period with respect to a consumer-responsive statewide program of technology-related assistance, consistent with the purposes described in section 2(b)(1).

(7) **INFORMATION AND EVALUATIONS.**—A description of—

(A) procedures used for compiling information; and

(B) procedures that will be used to conduct evaluations.

(8) **STATE POLICIES WITH RESPECT TO CONTRACTS AND AGREEMENTS.**—A description of the policies governing contracts, grants, and other arrangements with public agencies, private nonprofit organizations, and other entities or individuals for the purpose of providing assistive technology devices and assistive technology services consistent with the provisions of this title.

(9) **DISTRIBUTION PROCEDURE.**—An assurance that, to the extent practicable, technology-related assistance made available with amounts received under the grant will be equitably distributed among all geographical areas of the State.

(10) **COMPLIANCE WITH ACT.**—An assurance that amounts received under the grant will be expended in accordance with the provisions of this title.

(11) **SUPPLEMENT OTHER FUNDS.**—An assurance that amounts received under the grant—

(A) will be used to supplement amounts available from other sources that are expended for technology-related assistance, including the provision of assistive technology devices and assistive technology services; and

(B) will not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices or assistive technology services) that would have been paid with amounts available from other sources if amounts under the grant had not been available, unless—

(i) such payment is made only to prevent a delay in the receipt of appropriate technology-related assistance (including the provision of assistive technology devices or assistive technology services) by an individual with disabilities; and

(ii) the entity or agency responsible subsequently reimburses the appropriate account with respect to programs and activities under the grant in an amount equal to the amount of the payment.

(12) **CONTROL OF FUNDS AND PROPERTY.**—An assurance that—

(A) a public agency shall control and administer amounts received under the grant; and

(B) a public agency or an individual with disabilities shall—

(i) hold title to property purchased with such amounts; and

(ii) administer such property.

(13) **REPORTS.**—An assurance that the State will—

(A) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this title; and

(B) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this paragraph.

(14) **COMMINGLING OF FUNDS.**—An assurance that amounts received under the grant will not be commingled with State or other funds.

(15) **FISCAL CONTROL AND ACCOUNTING PROCEDURES.**—An assurance that the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant.

(16) **AVAILABILITY OF INFORMATION.**—An assurance that the State will—

(A) make available to individuals with disabilities and the families or representatives of individuals with disabilities information concerning technology-related assistance in a form that will allow such individuals to effectively use such information; and

(B) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials.

(17) **OTHER INFORMATION.**—Such other information and assurances as the Secretary may reasonably require.

SEC. 103. EXTENSION GRANTS.

(a) **GENERAL AUTHORITY.**—The Secretary may award a 2-year extension grant to any State that demonstrates to the Secretary that the State made significant progress in developing and implementing a statewide program of technology-related assistance under a grant provided under section 102, consistent with the requirements of such section and the purposes described in section 2(b)(1).

(b) **AMOUNTS OF GRANTS.**—

(1) **IN GENERAL.**—(A) From amounts appropriated under section 106 for any fiscal year the Secretary shall pay to each State that receives a grant under this section an amount that is not less than \$500,000 and not more than \$1,500,000.

(B) From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than \$150,000.

(C) For purposes of this paragraph:

(i) The term "State" does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(ii) The term "territory" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) **CALCULATION OF AMOUNT.**—The Secretary shall calculate the amount described in paragraph (1) on the basis of—

(A) amounts available for making grants pursuant to this section,

(B) the population of the State;

(C) the types of assistance to be provided; and

(D) the amount of resources committed and available from other sources.

(3) **PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.**—Amounts appropriated in any fiscal year for purposes of carrying out the provisions of this section shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

(c) **APPLICATION.**—A State that desires to receive an extension grant under this section shall submit an application that contains the following:

(1) **NEEDS.**—A description of needs relating to technology-related assistance of individuals with disabilities, including individuals from underserved groups, families or representatives of individuals with disabilities, and other appropriate individuals within the State.

(2) **ACTIVITIES UNDER DEVELOPMENT GRANT.**—A description of the specific activities carried out under the development grant received under section 102 and the relationship of such activities to the development of a statewide program of technology-related assistance.

(3) **PROGRESS.**—Documentation of the progress made under the development grant toward development of a statewide program of technology-related assistance.

(4) **PUBLIC INVOLVEMENT.**—A description of State actions designed to determine the degree of satisfaction of individuals with disabilities, families or representatives of individuals with disabilities, public and private service providers, employers, and other appropriate individuals with—

(A) the degree of their ongoing involvement in the development and implementation of the statewide program of technology-related assistance;

(B) the specific activities carried out by the State under the development grant; and

(C) progress made toward development and implementation of a consumer-responsive statewide program of technology-related assistance under the development grant.

(5) **COMMENTS.**—A summary of any comments received concerning the issues described in paragraph (4) and the State's response to such comments, solicited from individuals affected by the statewide program of technology-related assistance, including individuals with disabilities, families or representatives of individuals with disabilities, public and private service providers, employers, and other appropriate individuals.

(6) **OTHER INFORMATION AND ASSURANCES.**—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

(7) **COMPATIBILITY AND ACCESSIBILITY OF ELECTRONIC EQUIPMENT.**—An assurance that the State will comply with guidelines established under section 508 of the Rehabilitation Act of 1973.

SEC. 104. PROGRESS REPORTS.

(a) **IN GENERAL.**—Each State that receives a grant under this title shall submit to the Secretary annually a report that describes—

(1) completed activities carried out under the grant, especially with regard to section 102(e)(6), including, to the extent appropriate, a description of the impact of such activities on individuals with disabilities, public agencies, financial resources committed to technology-related assistance for individuals with disabilities, community-based organizations, and employers;

(2) unanticipated problems encountered in carrying out such activities;

(3) activities planned to rectify such problems in the following year.

(b) **SPECIFIC REQUIREMENTS FOR REPORTS WITH RESPECT TO EXTENSION GRANTS.**—Each State that receives a development grant under section 102 may include, and each State that receives an extension grant under section 103 shall include in the report required by subsection (a) a description of—

(1) the types of assistance provided under the grant and the effects of such assistance, especially with respect to individuals with disabilities;

(2) the types of environments in which assistance was provided under the grant; and

(3) how the information required by this subsection was derived.

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) **REVIEW OF PARTICIPATING STATES.**—

(1) **IN GENERAL.**—The Secretary shall establish a system to assess the extent to which States that receive grants pursuant to this title are making significant progress in achieving the purposes of this title.

(2) **ONSITE VISITS.**—(A) The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program. Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers from other participating States.

(B)(i) Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

(ii) Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the pay rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

(3) **MINIMUM REQUIREMENTS.**—At a minimum the visits shall allow the Secretary to determine the extent to which the State is making significant progress in developing a statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

(4) **PROVISION OF INFORMATION.**—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) CORRECTIVE ACTION PLAN.—

(1) **IN GENERAL.**—Any State that fails to comply with the requirements of this title shall be subject to a corrective action plan.

(2) **PENALTIES.**—A State that fails to comply with the requirements of this title may be subject to penalties such as—

(A) partial or complete fund termination;

(B) ineligibility to participate in the grant program in the following year;

or

(C) reduction in funding for the following year.

(3) **APPEALS PROCEDURES.**—The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this title as the result of an onsite visit or failure to supply information required under subsection (a)(4).

(c) **EFFECT ON OTHER ASSISTANCE.**—Nothing in this title shall be construed to permit the State or any Federal agency to reduce medical or other assistance available or to alter eligibility under—

(1) title II, V, XVI, XVIII, XIX, or XX of the Social Security Act;

(2) the Education of the Handicapped Act;

(3) the Rehabilitation Act of 1973; or

(4) laws relating to veterans' benefits.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$9,000,000 for the fiscal year 1994 and such sums as may be necessary for each succeeding fiscal year ending before October 1, 1993.

(b) RESERVATION.—

(1) **PROVISION OF INFORMATION.**—The Secretary shall reserve 1 percent of funds appropriated in any fiscal year under subsection (a), or \$500,000, whichever is greater, for the purpose of providing States with information and technical assistance with respect to the development and implementation of consumer-responsive statewide programs of technology-related assistance.

(2) **ONSITE VISITS.**—The Secretary may reserve from amounts appropriated in any fiscal year under subsection (a) such sums as the Secretary considers necessary for the purposes of conducting onsite visits as required by section 105(a)(2).

SEC. 107. EVALUATION.

(a) EVALUATION.—

(1) **IN GENERAL.**—The Secretary, directly or by contract, shall conduct a national evaluation of the program of grants to States authorized by this title.

(2) **REPORT TO CONGRESS.**—The Secretary shall report to the Congress on the results of the evaluation conducted as required by paragraph (1) not later than October 1, 1992.

(b) PURPOSE.—The purpose of the evaluation required by subsection (a) shall be—

(1) to assess, through representative samples, the status and effects of State efforts to develop statewide programs of technology-related assistance for individuals with disabilities in a manner consistent with the provisions of this title, particularly in terms of the impact of such efforts on individuals with disabilities; and

(2) to recommend amendments to this title that the Secretary considers necessary to assist States to fully accomplish the purposes of this title.

(c) **INFORMATION SYSTEM.**—The Secretary shall work with the States to consider and develop an information system designed to report and compile, from information provided by the States, a qualitative and quantitative description of the impact of the program of grants to States authorized by this title on—

(1) the lives of individuals with disabilities, particularly with regard to the purposes described in section 2(a)(3);

(2) public agencies;

(3) fiscal resources committed to technology-related assistance for individuals with disabilities;

(4) community-based organizations; and

(5) employers.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—STUDY ON FINANCING OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES FOR INDIVIDUALS WITH DISABILITIES

SEC. 201. STUDY BY NATIONAL COUNCIL ON THE HANDICAPPED.

(a) **STUDY AND RECOMMENDATIONS.**—The National Council on the Handicapped (hereafter in this part referred to as the "Council"), in addition to the duties of the Council described in section 401 of the Rehabilitation Act of 1973, shall conduct a study and make recommendations to the Congress and the President concerning—

(1) Federal laws, regulations, procedures, and practices that facilitate or impede the ability of the States to develop and implement consumer-responsive statewide programs of technology-related assistance for individuals with disabilities;

(2) Federal and State laws, regulations, procedures, and practices that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities;

(3) policies, practices, and procedures of private entities (including insurers) that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities; and

(4) alternative strategies for acquiring or paying for assistive technology devices and assistive technology services.

(b) **ADVISORY COMMITTEE.**—The Council shall appoint an advisory committee in accordance with section 404(c) of the Rehabilitation Act of 1973 to assist the Council in carrying out the duties of the Council under this part. Such advisory committee shall be appointed from individuals from both the public and private sectors who have broad experience and expertise directly relevant to the issues to be studied by the Council under this part, and shall also include individuals with disabilities, families of individuals with disabilities, and representatives of organizations representing individuals with disabilities.

(c) **COOPERATION OF OTHER AGENCIES.**—

(1) **FEDERAL AGENCIES.**—The heads of all Federal agencies shall, to the extent not prohibited by law, cooperate with the Council in carrying out the duties of the Council under this part.

(2) **USE OF RESOURCES OF FEDERAL, STATE, AND LOCAL AGENCIES.**—The Council may use in carrying out its duties under this part, with the consent of the agency involved, services, personnel, information, and facilities of other Federal, State, local, and private agencies, with or without reimbursement.

(d) **REPORTS.**—The Council shall submit to the President and to the appropriate committees of the Congress—

(1) such interim reports as the Council considers advisable; and

(2) not later than 18 months after the date of the enactment of an Act providing appropriations to carry out this part, a final report of its study and investigation together with such recommendations, including specific proposals for legislation, as the Council considers advisable.

PART B—NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK

SEC. 211. ESTABLISHMENT OF NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK.

Before the end of the 30-month period beginning on the date of the enactment of an Act providing appropriations to carry out this part, the Secretary shall—

(1) determine whether it is appropriate, based on the findings and recommendations of the study conducted under section 212, to establish and operate a national information and program referral network to assist States to develop and implement consumer-responsive statewide programs of technology-related assistance; and

(2) if the Secretary determines that establishment and operation of such a network is appropriate, enter into any contract or cooperative agreement necessary to establish and operate such a network, which may consist of information and program referral networks in existence or under development at the time of the study conducted under section 212.

SEC. 212. FEASIBILITY STUDY REQUIRED.

(a) **IN GENERAL.**—The Secretary shall conduct a study—

(1) to determine the feasibility and desirability of creating the network described in section 211; and

(2) to determine the appropriate structure for the organization and operation of such a network, if it is determined to be feasible and desirable.

(b) **CONTRACT AUTHORITY.**—In carrying out the study required by subsection (a), the Secretary may enter into a contract or cooperative agreement necessary to conduct the study.

SEC. 213. CONTENTS OF STUDY.

The study conducted under section 212 shall—

(1) analyze the needs of States that are interested in developing and implementing consumer-responsive statewide programs of technology-related assistance;

(2) describe the types of information and program referral networks (including electronic networks) in existence or under development at the time of the study, including—

(A) the types of information and program referral incorporated into or provided by such networks;

(B) the cost of maintaining such networks;

(C) the types of services provided by such networks;

(D) the types and numbers of individuals served by such networks;

(E) the location of such networks and accessibility to other networks; and

(F) the feasibility and desirability of linking such networks, including proposed plans and an estimate of the cost of such a linkage;

(3) analyze the impediments to the exchange of information and the development and operation of such networks;

(4) describe the information that should be incorporated into a national information and program referral network to ensure that the network serves the entire United States, in particular addressing the gaps in existing networks and methods of filling such gaps using networks in existence or under development at the time of the study;

(5) describe the information systems from other fields of technology development that may be incorporated into a national information and program referral network on technology-related assistance;

(6) analyze the issues involved in operating a national information and program referral network;

(7) analyze and describe management and cost projections for a national information and program referral network;

(8) evaluate operational alternatives including at least the advantages and disadvantages of—

(A) grant arrangements, contracting arrangements, or other funding mechanisms or arrangements, and the lengths of any such arrangements;

(B) various network configurations, including—

(i) regionally distributed;

(ii) focused on functional limitations;

(iii) age-focused;

(iv) expertise-centered; and

(v) other network configurations;

(C) costs associated with funding arrangements described in subparagraph (A) and network configurations described in subparagraph (B), and options for paying such costs, including the possible use of Federal funds, State funds, and other alternatives;

(D) mechanisms of payment for information and program referral services;

(E) mechanisms for ensuring that information systems remain current, have relevant and useful information, and provide information in a form that allows individuals with disabilities to make effective use of the information;

(F) forms of Federal oversight and independent evaluations that could be applied to a national information and program referral network;

(G) types of staffing expertise required for different options; and

(H) types of institutional oversight, such as governing boards and advisory panels; and

(9) a timetable for implementation of various network options.

SEC. 214. TIMETABLE FOR STUDY.

(a) **AWARD OF CONTRACT.**—The Secretary shall, before the end of the six-month period beginning on the date of the enactment of an Act providing appropriations to carry out the study required by this part, enter into any contract or cooperative agreement necessary for conducting such study.

(b) **COMPLETION OF STUDY.**—Any contract or agreement entered into under subsection (a) shall require the study to be completed and a report concerning such study to be submitted to the Secretary and to the appropriate committees of the Congress before the end of the 18-month period beginning on the date of the contract or agreement.

(c) **IMPLEMENTATION OF RECOMMENDATIONS.**—The Secretary, after allowing for public comment on the report submitted under subsection (b), shall take appropriate action based on the report before the end of the 6-month period following the date on which the Secretary receives the report.

PART C—TRAINING AND PUBLIC AWARENESS PROJECTS**SEC. 221. TRAINING.****(a) TECHNOLOGY TRAINING.**—

(1) **GENERAL AUTHORITY.**—The Secretary shall enter into contracts or cooperative agreements with appropriate nonprofit or for-profit entities for the purposes of—

(A) conducting training sessions; and

(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance.

(2) **ELIGIBLE ACTIVITIES.**—Activities conducted under contracts or cooperative agreements entered into under paragraph (1) may address the training needs of individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(b) TECHNOLOGY CAREERS.—

(1) **GENERAL AUTHORITY.**—The Secretary shall make grants to assist institutions of higher education to prepare personnel for careers relating to the provision of technology-related assistance to individuals with disabilities.

(2) **PRIORITY.**—In awarding grants under paragraph (1), the Secretary shall give priority to the preparation of personnel who will provide technical assistance, administer programs, or prepare personnel necessary to support the development and implementation of consumer-responsive statewide programs of technology-related assistance to individuals with disabilities.

(3) **USES OF FUNDS.**—Amounts made available for grants under paragraph (1) may be used by institutions of higher education to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Secretary.

SEC. 222. PUBLIC AWARENESS PROJECTS.

(a) **PROGRAM AUTHORIZED.**—The Secretary shall make grants to, or enter into contracts with, nonprofit and for-profit entities to carry out national projects that recognize and build awareness of the importance and efficacy of assistive technology devices and assistive technology services for individuals of all ages with disabilities functioning in various settings of daily life.

(b) **USES OF FUNDS.**—Amounts made available for grants and contracts under subsection (a) may be used to—

(1) develop a national media campaign (including public service time slots on radio and television);

(2) convene national or regional conferences;

(3) prepare and disseminate information (including summaries, comparisons, analyses, and cost-benefit projections) concerning the efficacy of technology-related assistance;

(4) encourage others to hold national or regional conferences;

(5) develop and maintain recognition programs that are designed to promote public credit to entities that demonstrate an aggressive effort for a sustained time to provide or promote the use of technology-related assistance or the development of assistive technology devices; and

(6) other activities considered appropriate by the Secretary.

SEC. 223. PRIORITIES.

(a) **IN GENERAL.**—Beginning in fiscal year 1991, the Secretary shall—

(1) establish priorities for activities carried out with assistance under this part;

(2) publish such priorities in the Federal Register for the purpose of receiving public comment; and

(3) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes grant announcements for grants made under this part.

(b) **EXPLANATION OF DETERMINATION OF PRIORITIES.**—Concurrent with the publication required by subsection (a), the Secretary shall publish in the Federal Register an explanation of how the priorities were determined.

PART D—DEMONSTRATION AND INNOVATION PROJECTS

SEC. 231. PROGRAM AUTHORIZED.

(a) **DEMONSTRATION AND INNOVATION PROJECTS.**—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, nonprofit and for-profit entities to pay all or part of the cost of establishing or operating demonstration and innovation projects relating to technology-related assistance for individuals with disabilities.

(b) **ELIGIBLE ACTIVITIES.**—Amounts made available for purposes of carrying out this part may be used for the following activities:

(1) **MODEL PROJECTS FOR DELIVERING ASSISTIVE TECHNOLOGY DEVICES AND SERVICES.**—The establishment or operation of model projects for delivering assistive technology devices and assistive technology services to individuals of all ages with disabilities functioning in various environments and carrying out various life activities (including model systems described in section 101(c)(1) of title I).

(2) **MODEL RESEARCH AND DEVELOPMENT PROJECTS.**—The conduct of applied research and development projects, including projects designed to—

(A) increase the availability of reliable and durable assistive technology devices that address unique, low-market demand, or complex technology-related needs for individuals with disabilities;

(B) develop strategies and techniques that involve individuals with disabilities in assessing the performance characteristics of technology that is not designed specifically for individuals with disabilities and developing adaptations of such technology for individuals with disabilities;

(C) assist in the transfer of technology that is not specifically designed for individuals with disabilities to uses appropriate for such individuals; and

(D) facilitate effective and efficient technology transfer.

(3) **INCOME-CONTINGENT DIRECT LOAN DEMONSTRATION PROJECT.**—Demonstration projects in accordance with regulations issued by the Secretary (which may include a requirement that the Secretary shall provide an amount equal to not more than 90 percent of the amount required for any such project) to examine the feasibility of a direct loan program that would provide loans—

(A) to individuals with disabilities who require technology-related assistance in order to maintain a level of functioning or to achieve a greater level of functioning in any major life activity; or

(B) to the families or employers of individuals with disabilities, on behalf of such individuals, for the purposes described in paragraph (A).

(c) **REPORT TO CONGRESS ON EXTENSION OF DIRECT LOAN PROGRAM.**—The Secretary shall, based on the projects assisted under subsection (b)(3), report to Congress concerning the feasibility of operating a direct loan program of general applicability beginning after September 30, 1993.

PART E—AUTHORIZATION OF APPROPRIATIONS

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

(a) **GENERAL AUTHORITY.**—There are authorized to be appropriated for purposes of carrying out this title (other than section 231(b)(1)) \$5,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(b) **MODEL DELIVERY PROJECTS.**—There are authorized to be appropriated for purposes of carrying out section 231(b)(1) \$1,500,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(c) **PRIORITIES.**—

(1) **MODEL DELIVERY PROJECTS.**—Notwithstanding any other provision of this Act, if amounts appropriated for purposes of carrying out this Act for the fiscal year 1989 equal or exceed \$6,000,000, the Secretary shall first make available, from such amounts, not less than \$500,000 for demonstration projects under section 231(b)(1).

(2) **OTHER TITLE II ACTIVITIES.**—(A) Of amounts appropriated under subsection (a) for the fiscal year 1989, the Secretary shall first make available not more than \$250,000 for purposes of carrying out part A.

(B) Subject to subparagraph (A), of amounts appropriated under subsection (a) for any fiscal year, the Secretary shall first make available, in order of priority—

- (i) not more than \$750,000 for purposes of carrying out section 212; and
- (ii) such sums as may be necessary for purposes of carrying out section 211.

SUMMARY

As approved by the Committee on Education and Labor, H.R. 4904 accomplishes one objective in title I and four objectives in title II. The primary objective of title I (the State Grant Program) and the legislation as a whole, is to assist each participating State to develop and to implement a consumer-responsive statewide program of technology-related assistance for individuals with disabilities of all ages so that such individuals may acquire information about assistive technology devices and services and obtain such devices and services. Title I also authorizes the Secretary of Education to provide technical assistance to assist any State to respond fully and effectively to the charge to develop a statewide program.

The objectives of title II (Programs of National Significance) are: (1) to direct the National Council on the Handicapped to study the financing of assistive technology devices and services and make recommendations for administrative and legislative actions to the Executive Branch and Congress; (2) to authorize the Secretary of Education to study the feasibility and desirability of and, if warranted, establish a National Information and Program Referral Network in Technology-Related Assistance for Individuals with Disabilities; (3) to support training and public awareness grants to increase the knowledge and effective use of assistive technology devices and services; and (4) to fund demonstration and innovation projects related to—model projects for delivery of technology-related assistance, applied research and development in assistive technology devices, and a loan program for assistive technology devices.

H.R. 4904 and an identical Senate companion bill, S. 2561, were introduced on June 23, 1988. The House sponsor was Mr. Jeffords and the original cosponsors of H.R. 4904 were: Messrs. Bartlett, Major Owens, William Ford, Perkins, Hawkins, Lujan, and Gunderson. The sponsor of S. 2561 was Senator Harkin and the original cosponsors were: Messrs. Kerry, Weicker, Kennedy, Hatch, Stafford, Simon, Adams, Cochran, Moynihan, and Riegle.

COMMITTEE ACTION

A hearing was held by the Subcommittee on Select Education on the technology-related needs of individuals with disabilities on May 10, 1988.

The witnesses testifying were: Master Tommy Dormer accompanied by his mother, Mrs. Veronica Dormer and Kathleen Abrams, speech pathologist, of Rockville, Maryland; Mr. Howard Stone, Director of Self-Help for the Hard of Hearing, Silver Spring, Maryland; Ms. Margaret Bibum, Deputy Director of Deafpride Interpreting Services of Washington, D.C.; Ms. Janice Adams, representing herself, an individual with visual and auditory impairments; Judge Leonard Suchanek, Board of Contract Appeals, General Services Administration, Washington, D.C.; Ms. Alexandra Enders, Project Manager, Rehabilitation Engineering Delivery Program, Electronic Industries Foundation, representing RESNA, the Association for the Advancement of Rehabilitation Technology; Dr. Barbara Boardman, M.D., MPH., Senior Analyst with the Health Program of the Office of Technology Assessment, Congress of the United States; Dr. Alan Cavalier, Association for Retarded Citizens of the United States, Arlington, Texas; Mr. John DeWitt, Evaluations Coordinator, National Technology Center, American Foundation for the Blind, New York City; Ms. Mary Ann Carrol, United Cerebral Palsy, New York City; Mr. Roland Hahn, Director, Central Pennsylvania Special Education Resource Center, Harrisburg, Pennsylvania; and Mr. Jerry Weisman, Director of Rehabilitation Engineering, Rehabilitation Technology Services, Burlington, Vermont.

A hearing was held by the Subcommittee on Select Education on the authorization of this bill, H.R. 4904, on June 30, 1988.

The witnesses testifying were: Mr. Andrew Batavia, Program Manager for Health Services Research of the National Rehabilitation Hospital representing himself, an individual with a spinal cord injury; Ms. Susan S. Suter, Commissioner, Rehabilitation Services Administration, U.S. Department of Education on behalf of Madeleine Will, Assistant Secretary for Special Education and Rehabilitative Services; and Michael Morris, Director of Community Services, United Cerebral Palsy of America, representing the Coalition on Technology and Disability.

On July 7, 1988 the Subcommittee on Select Education considered H.R. 4904. Mr. Jeffords offered an amendment in the nature of a substitute to H.R. 4904. The substitute for H.R. 4904, in addition to including the text of the bill, contained technical amendments and new substantive provisions to strengthen the evaluation provisions in H.R. 4904. The evaluation-related provisions were included in the substitute on behalf of Mr. Steve Bartlett, the Ranking Republican on the Subcommittee. The amendment in the nature of a substitute to H.R. 4904 was adopted. H.R. 4904, as amended, was considered favorably and ordered reported by the Subcommittee by a recorded vote of 5 to 0.

On July 12, 1988, without further amendment and by voice vote, the Committee on Education and Labor considered favorably and ordered reported H.R. 4904, as amended by the Subcommittee on Select Education.

On May 19 and 20, 1988, the Senate Subcommittee on the Handicapped of the Committee on Labor and Human Resources held hearings on technology and individuals with disabilities, and sponsored an exhibit of numerous assistive technology devices.

On July 14, 1988 the Senate Committee on Labor and Human Resources considered favorably and ordered reported S. 2561, amended to correspond to changes in H.R. 4904 as amended.

BACKGROUND AND NEED FOR THE LEGISLATION

Providing assistive technology devices and services to individuals of all ages with disabilities allows them to participate in tasks of daily living. In many cases, such devices and services allow them to function independently of others, to perform at a level commensurate with their abilities in school, at work, at home, and during recreational activities, and to have increased opportunities to interact directly with others and have control over their environment. When the independence of individuals with disabilities is increased through the provision of such devices and services, costs to individuals, families and society are reduced.

There are 4 major reasons why such persons cannot acquire assistive technology devices and services: (1) such persons, their families, and service providers do not have access to appropriate and relevant information and training; (2) devices and services are not available to the extent that they should be; (3) public, private, and personal financing of assistive technology devices and services is difficult because available resources are limited and uncoordinated; and (4) because of the limited market, commercial producers are not as involved as they could be in providing assistive technology devices.

This legislation addresses these issues. The central purpose of this legislation is to help each participating State to develop and implement a consumer-responsive statewide program of technology-related assistance for individuals of all ages with disabilities.

The Committee anticipates that guidance and financial assistance provided through this legislation will serve as a catalyst for States, entities within States, as well as other Federal programs, to review, consider, develop and implement policies, procedures, and practices which will increase the availability of assistive technology devices and services to individuals with disabilities. Moreover, the Committee intends that activities funded through this legislation complement and extend the effectiveness of activities funded through other sources. The Committee does not intend that activities funded through this legislation replace or duplicate other activities, but funds provided through this legislation may be used to facilitate the coordination of other activities.

BACKGROUND

Congressional interest in technology for individuals with disabilities prior to the 100th Congress

House hearings.—Within this decade congressional interest in technology for individuals with disabilities has gradually increased. On October 1 and 2, 1981 joint oversight hearings were held in the House of Representatives on the National Institute of Handicapped Research (NIHR, currently the National Institute on Disability and Rehabilitation Research, (NIDRR), U.S. Department of Education) by the Subcommittee on Select Education of the Committee on Education and Labor and the Subcommittee on Science, Research

and Technology of the Committee on Science, and Technology. Research in the area of rehabilitation technology was and continues to be an important mission of NIDRR.

Senate hearing on OTA report.—In 1980 the Senate Committee on Labor and Human Resources requested the Office of Technology to conduct a study of technology and individuals with disabilities. In May of 1982, O'tA released a report on the study "Technology and Handicapped People." On September 29, 1982 a joint hearing was held on the report by the Subcommittee on Science, Research and Technology of the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

Issues raised in hearings and OTA report.—The issues that were raised in these hearings and the report were very timely. In the NIHR hearing four issues emerged. These issues reflected barriers to the ready availability of and access to technology by individuals with disabilities, barriers that are still present today. First, there was no sustained, comprehensive, centralized source for accessing information about state-of-the art technology related to appropriateness, costs, and availability of such technology for individuals with disabilities. Second, there was a lack of personnel trained in the use of technology. Third, there was an insufficient investment in evaluating technology. Fourth, efforts in technology transfer and commercial investment in technology for individuals with disabilities were limited because the market for it was unknown.

In the hearing on the OTA report, witnesses confirmed the policy issues and endorsed many of the policy options offered in the report. The five issues raised in the OTA report were:

How can the Federal Government increase the probability that technologies will reach the people who need and desire them?

How can policies and programs be designed to encourage or ensure the effective involvement of disabled people and other consumers in the development and delivery of technologies?

How can R&D activities be organized and funded to produce knowledge, techniques, or devices that serve the needs of disabled people and relevant providers in accordance with the magnitude of various problem areas and opportunities?

How can financial barriers to the acquisition of technologies by disabled people be reduced, within reasonable constraints?

How can Federal policies assure an adequate number of well-trained personnel at all stages of the development and use of technologies?

In the report, OTA posed a range of policy options for each of these issues. For example, OTA suggested amending current legislation to make policies associated with technology and individuals with disabilities consistent and to create fiscal incentives for increasing private sector involvement in producing technology for individuals with disabilities. It offered the creation of a super agency or a public-private corporation to promote increased access to technology and information about it for individuals with disabilities and other appropriate individuals. It proposed increased Federal funds for evaluating technologies; Federal oversight hearings that would address selected issues in more depth, including the review

of Federal health policies; mandating consumer involvement in public agency policies and decisions associated with technology and individuals with disabilities; and increased Federal funding for training personnel, among other options.

Technology-related amendments adopted during 99th Congress.—In the 99th Congress, during the reauthorization of the Education of the Handicapped Act and the Rehabilitation Act, amendments were made to both acts pertaining to technology and individuals with disabilities.

In the Education of the Handicapped Act a new part G was created. Its purpose, through grants and contracts, was to advance the use of new technology, media, and materials in the education of handicapped students and the provision of early intervention services to handicapped infants and toddlers. The Secretary was directed to address a broad range of functions through these grants and contracts—collecting state-of-the-art information and evaluating how to improve available technology, media, and materials; designing and adapting new technology, media, and material; helping the public and private sector in development and marketing; and disseminating information.

In the Rehabilitation Act, amendments were added which required attention to and provision of rehabilitation engineering services in both evaluations and individualized rehabilitation work plans. Other amendments required the Director of the National Institute of Disability and Rehabilitation Research to: (1) make policy recommendations to ensure the development and cost-effective production and marketing of technological devices; and the efficient disabilities; and (2) develop guidelines for electronic equipment accessibility designed to insure that handicapped individuals may use office equipment, with or without peripherals. A further amendment to the Rehabilitation Act required the General Services Administration to adopt such guidelines and each agency to comply with such guidelines when making Federal procurements after September 30, 1988. (These requirements are contained in section 508 of the Rehabilitation Act.)

Activities occurring during the 100th Congress prior to the development of the Technology-Related Assistance of Individuals with Disabilities Act of 1988

Groups and organizations.—Immediately prior to and during the 100th Congress, interest in and activities associated with technology and individuals with disabilities greatly increased. In July 1986 the Council for Exceptional Children created a new division of its organization—the Division of Technology and Materials. In December 1986 major organizations associated with disability formed the Coalition on Technology and Disability.

Senate subcommittee priority.—Senator Tom Harkin, on assuming the Chair of the Subcommittee on the Handicapped, announced the development of technology legislation as a major objective for the Subcommittee.

Initial technology legislation.—On August 3, 1987 Senator John Kerry introduced S. 1586, the Technology to Educate Children with Handicaps Act. On November 3, 1987 Chairman Major Owens of the Subcommittee on Select Education introduced an identical

House bill, H.R. 3602. The major objective of this legislation was to authorize the creation and operation of assistive device centers in every State. Such centers would: (1) assist local education personnel to develop skills to evaluate the needs of children with handicaps for assistive technology devices; (2) train personnel in the use of such devices; (3) provide follow-up services; (4) develop a statewide service delivery system; (5) have the ability to assist in the development, design, fabrication, and modification of assistive devices to meet the needs of individuals with disabilities; (6) disseminate information on assistive devices and their availability; and (7) provide in-service training on the benefits of assistive devices.

Staff discussions.—In December 1987 and in February 1988 staff of the Subcommittee on Select Education held discussions with Dr. Barbara Boardman of OTA, and other discussions with members of organizations interested in technology for individuals with disabilities. The purposes of these meetings were to consider the viability of incorporating the concepts in the Owens bill into a larger legislative initiative that would be more comprehensive.

Clarification of major technology-related issues.—Four sets of issues emerged during these separate discussions: (1) comprehensive legislation was warranted; legislation which addressed dissemination of information, financing, delivery, and development of technology for individuals with disabilities; (2) constraints that would impact on the form and scope of the legislation would be primarily jurisdictional and budgetary constraints; (3) the form and scope of the legislation would be influenced by other legislation relating to technology and individuals with disabilities; and (4) the legislation should complement ongoing activities in the public and private sector and expand the capacity of these sectors to provide technology-related assistance.

Drafts of comprehensive technology legislation.—On May 6, 1988 the Senate Subcommittee on the Handicapped circulated a discussion draft with 3 titles. The purposes in the draft were: (1) to assist each State to plan, develop, implement, and expand a consumer-responsive statewide, comprehensive, coordinated, interdisciplinary program for the selection and delivery of assistive technology devices and appropriate services for persons with disabilities; (2) to ensure and to maximize consumer access to financial resources, increase the amount of those resources, and facilitate the coordination of payment for the delivery of assistive technology devices and services from Federal, State, local and private sources (including public and private insurance coverage); (3) to help States create training activities to increase the use and effectiveness of assistive technology; (4) to promote the establishment of, continuation of, and improvement in support systems and groups to help people with disabilities use assistive technology effectively; (5) to establish partnerships with the private sector; and (6) to ensure that programs for the selection and delivery of assistive technology devices and services will be guided by the needs of persons with disabilities. The draft legislation was also intended to augment existing Federal programs of services to people with disabilities and to facilitate systemic changes in States and in the Federal Government, so as to increase the availability of assistive technology devices and services.

Title I of the draft included an outline of a State grant program in which all States could participate. Title I addressed elements of State administration, a State application and assurances, and a State plan. Several of these elements reflected concepts contained in Part H of the Education of the Handicapped Act which authorizes a State Grant Program in early intervention services for infants and toddlers with handicaps. The draft included suggested uses of funds for: model service delivery systems, individualized assistive technology plans, support groups, public awareness, information and referral, and training and technical assistance. The draft did not include suggested appropriations levels or number of years the program would be authorized.

Title II of the draft was called the Federal-State Partnership for Assistive Technology. This part of the draft was a discussion of ways to overcome insufficient coordination across agencies and programs which do or could provide technology-related assistance to individuals with disabilities. Options proposed were: a Federal interagency council, national centers in technology, and innovation and demonstration centers.

Title III of the draft was a discussion of Federal programs and activities, not under the jurisdiction of the Committee on Labor and Human Resources, which affect the availability of resources for assistive technology devices and services for individuals with disabilities.

In April, 1988, on behalf of the House Subcommittee on Select Education, Mr. Jeffords, Mr. Bartlett, and Mr. Owens directed the Subcommittee staff to draft and seek input on comprehensive legislation pertaining to technology-related assistance for individuals with disabilities.

On May 25, 1988, a House draft was circulated. The draft contained 6 purposes: (1) to increase the capacity of agencies and entities within States to help individuals with disabilities of all ages to acquire information about technology products and to obtain technology-related assistance pertaining to the purchase, use, maintenance, adaptation, and upgrading of technology products; (2) to establish a National Information and Referral Network; (3) to support research, development and evaluation, dissemination, and training activities relating to applying existing technology to the needs of individuals with disabilities; (4) to encourage States to make commitments to and invest in technology-related assistance for individuals with disabilities; (5) to develop mechanisms to help individuals with disabilities to acquire technology-related assistance; and (6) to develop partnerships with the public and the private sectors to increase the availability of technology-related assistance to individuals of all ages with disabilities.

Title II of the draft established a competitive State grant program to help each participating State: (1) to establish and expand the capacity of agencies and other entities in the State to provide technology-related assistance; (2) to promote dissemination about technology; (3) to conduct consumer-oriented and consumer-responsive evaluations of technology-related assistance to determine the value and viability of the continued use of such assistance; (4) to identify and develop multiple funding strategies and mechanisms to help individuals acquire technology-related assistance; (5) to sup-

port training activities to increase the use and effectiveness of technology; (6) to promote the establishment of, continuation of, and improvement in support systems and groups; (7) to foster cooperation with the private sector; and (8) at the State's discretion, sponsor research and development initiatives in technology. To accomplish these ends, the State could disburse funds to a wide range of public and private agencies and entities in the State.

In the draft the Secretary was directed to award 3-year grants for up to 10 States in 1989, 10 in 1990, 15 in 1991, 20 in 1992, and any number in 1993. The range of funds available to each participating State and the basis of an amount to a State were similar to comparable provisions in H.R. 4904. Such similarities apply to the 2-year continuation grants which could follow the initial 3-year grants.

In the draft, States were expected to describe in their applications how they intended to address the 8 purposes of the State grant program. Responses to each of these purposes, except for optional R&D activities (#8), were mandatory.

In the draft, at the end of 5 years a State was expected to fulfill the following requirements: (1) each individual in the State shall have access to a source that can provide the individual with appropriate information about technology-related assistance; (2) the State shall have strategies and mechanisms in place which ensure that disbursements of amounts awarded under its grant are tied to its priorities under this grant; (3) the State shall have documented the adequacy of technology-related assistance in various settings; (4) the State shall have identified the extent of the need for, and if necessary developed or revised its policies pertaining to, technology-related assistance; (5) to the extent appropriate and necessary, the State shall revise procedural safeguard protections to maximize access to technology-related assistance; and (6) to the extent appropriate and necessary, the State shall determine if amounts disbursed under this grant were disbursed for the purposes of this grant.

In the draft, after a State participates for 5 years in the State grant program, the State would be eligible to participate, indefinitely in a noncompetitive State grant program.

In the draft the onsite monitoring requirements, corrective action and appeals provisions are similar to those in H.R. 4904.

The draft included specific authorizations for appropriations for fiscal years 1989 through 1993 (\$7.5 million, \$15 million, \$25 million, \$35 million, and \$50 million respectively). For fiscal year 1994 and each year thereafter there would be authorized to be appropriated the greater of an amount equal to 5 percent of amounts appropriated for part B of the Education of the Handicapped Act for the previous year; or an amount equal to 5 percent of amounts appropriated for section 110 of the Rehabilitation Act of 1973 for the previous fiscal year.

In the draft, titles II through V authorized activities are comparable to parts B through E in title II of H.R. 4904, with one exception. In the House draft there was no authorization for the model service delivery systems found in title II of H.R. 4904. In the draft specific authorizations of appropriations were included for each year for each title.

House-Senate Collaboration on Final Technology Bill. On May 25, 1988 discussions began on the development of comprehensive legislation that could be introduced in both bodies. The resulting product was H.R. 4904 and S. 2561.

NEED FOR THE LEGISLATION

Prior to and during the development of the legislation the Committee solicited information about the technology-related needs of individuals with disabilities, as well as information about ongoing efforts to address such needs. The information indicates that the needs are substantial, yet there are innovative and effective ways that are being applied or should be applied in response to them. The Committee anticipates that this legislation will complement ongoing efforts to provide technology-related assistance to individuals with disabilities, and facilitate the development and implementation of additional efforts.

Lack of information

Numerous individuals submitted information to the Subcommittee and Committee about the inadequacies associated with information and information systems pertaining to assistive technology devices and services for individuals with disabilities. Dr. Barbara Boardman indicated when testifying on May 10, 1988 about electronic information systems that the transfer of information on technology for individuals with disabilities has improved in the last 5 years. However, it has limitations. She characterized such systems as primarily focused on particular subpopulations; as seldom including comprehensive surveys of all manufacturers of various categories of devices; as often lacking in complete and timely information; as frequently being data bases rather than information systems; and as requiring special understanding in order to use or a special location in order to access certain information systems. As a result, these information systems are fragmented and their utility is limited.

Judith Shaw, Research Analyst with the National Easter Seals Society, in testimony submitted to the Committee, suggested that a lack of information about technology is currently a significant barrier to an effective service delivery system in technology for individuals with disabilities.

In testimony submitted to the Subcommittee, Rachel Wobschall, Director of the Governor's Initiative on Technology, State of Minnesota, identified 2 major problems relating to information about technology in her State which has implications for other aspects of technology-related assistance. Ms. Wobschall reinforced Ms. Shaw's point, and both were supported by other information submitted to the Committee. Ms. Wobschall reported that: (1) there is no systematic effort to gather or disseminate information about technology and its application; and (2) any collection and dissemination that is being done is sporadic and not coordinated. Without such information, it is difficult to establish a site where individuals may assess the appropriateness of devices, go to receive assistance in selecting and using such devices.

Lack of training

Almost all information and recommendations submitted to the Subcommittee and Committee included recognition of the lack of adequately trained personnel. Mary Ann Carol, testifying on behalf of United Cerebral Palsy Associations, Inc., indicated that many children with disabilities are denied assistive technology devices and services because school systems do not have personnel trained in assessing and responding to technology-related needs of such children. She also reported that her associations receive thousands of calls a year from parents seeking advice and guidance about technology or complaining that their children are not allowed to bring devices to school.

Dr. Cavalier, with the Association of Retarded Citizens of the United States, offered complementary testimony. He suggested the necessity of training both professionals and paraprofessionals in assessing and using technology. He contended that information about technology is likely to have little effect unless accompanied by training.

Testimony submitted to the Subcommittee by the Council for Exceptional Children addressed the need to train teachers in the use of diverse application of computers in the classroom with children with disabilities. If teachers had systematic training in the use of computers in basic skills instruction, such training could result in increases in the productivity of individual children and serve as an effective means to individualize instruction.

Ms. Enders, speaking on behalf RFSNA before the Subcommittee on Select Education, strongly urged funding of programs to train personnel with expertise in technology, stating that without additional training funds and programs many assistive technology devices will not be made available to individuals with disabilities. Without such training and funding, personnel will not be available to demonstrate the use of devices or to modify for a specific individual a given device.

Mr. Weisman, a rehabilitation engineer, testifying before the Subcommittee, raised a related concern about personnel standards and certification. He said:

At the present time there is no way to identify a "qualified" rehabilitation technology service provider. * * * A consumer of technology services is sometimes faced with playing a shell game in order to identify a qualified, competent provider. The expansion of service delivery programs with the * * * infusion of monies makes the identification of qualified personnel most important.

Lack of financing

Most individuals who testified before the Subcommittee, who submitted information for the record, or who gave information informally to the Committee raised the lack of financing for assistive technology devices and services as a critical problem. These individuals described the current financing systems as "a patched quilt"; "a fragmented financial support system"; focused on "the medical need of beneficiaries with acute health care needs * * * [this] is totally inadequate for those with permanent lifelong

disabilities. * * *"; addressing home-based needs, but not work-related devices, fixing equipment, but not support services; and not offering incentives to the private sector to engage in research and development to increase the availability of reliable and durable devices.

The consequences of inadequacies in financing of assistive technology devices and services places burdens on the individual with disabilities, for many of whom devices are a necessity. Margaret Bibum, testifying on behalf of Deafpride, Inc., clearly illustrated this point. She said:

A familiar quote in the deaf community is "it is expensive to be Deaf." By the time we have brought hearing aids, TDD's, television decoders, special alarm clocks, baby cry lights, door lights, smoke alarms, etc., one can understand why.

Disincentives for the private sector

In testimony submitted to the Subcommittee, the American Society of Mechanical Engineers raised five issues that function as disincentives to the private sector and limit their investment in technology for individuals with disabilities. These issues were also raised by other individuals who provided information to the Subcommittee. (1) Many devices are individual-specific and must be custom made. The resulting high cost limits their market potential and availability. (2) A limited number of engineers and scientists currently work in areas relating to technology for individuals with disabilities. It is difficult to attract and coordinate the interdisciplinary skills which are needed for equipment innovation. (3) Product liability and health and safety regulations frequently discourage the commercialization of devices and/or significantly increase their cost. (4) The development of devices and delivery systems require integration of Federal, State, and local resources with those in the private sector. (5) Many companies have not been willing to commit significant research dollars to assistive technology devices. University funded research in the area is largely limited to the availability of Federal research dollars.

In a March, 1988 Report to Congress prepared by the National Institute on Disability and Rehabilitation Research, in response to section 202(1) of the Rehabilitation Act Amendments of 1986, NIDRR outlined some production problems that also operate as a disincentive for commercial investment in assistive technology devices for individuals with disabilities: (1) tooling up costs that precede production; (2) lack of demographic data to establish the size of a potential market; (3) prohibitive effect of waiting for time-consuming evaluations before proceeding with a development and production schedule; and (4) the cost of liability insurance.

Lack of access and availability of devices and services

The problems outlined here illustrate the magnitude of the need and the complexities associated with addressing the need. The implications for the individual with disabilities is clear—there is no one agency, no one individual, or no one system, that will ensure

appropriate assistive technology devices and services for such an individual throughout his or her life.

First grader, Tom Dormer, who testified before the Subcommittee, has a motorized wheelchair and an augmentative communication device for his computer. The device allows Tommy to do school work and talk to others. He has these assistive technology devices due largely to his mother, Veronica Dormer. And, although Mrs. Dormer was successful in acquiring these devices for her son, she was not offered choices, but was only shown the devices he now has. Mrs. Dormer seeks professional help for planning for Tommy's future technology-related needs. There is no system in place to ensure she will get such help and be offered a range of choices to meet her son's future needs.

Other individuals expressed significant concern about the lack of a comprehensive system for the delivery of assistive technology devices and services. They indicated that there are many products available to assist individuals with disabilities. However, we lack a coherent, comprehensive, coordinated system for delivering such products and services.

Current efforts related to technology-related assistance

Fortunately, efforts to respond to the need through this legislation will not occur in isolation or necessarily be "from scratch activities". The Department of Education, other Federal agencies, State agencies, associations, foundations, and private companies have or are beginning to invest in assistive technology devices and services. This legislation is timely because it will serve as a potential thread to tie all these initiatives together, fill in any gaps, and operate as a force to overcome barriers to the creation of appropriate delivery systems for assistive technology devices and services for individuals with disabilities.

The Department of Education. The Office of Special Education Programs (OSEP) in the Office of Special Education and Rehabilitative Services (OSERS) intends to fund 6 projects, at \$100,000 each. The purpose of these projects will be to improve cooperation in interagency activities among State Education Agencies, local education agencies, Public Health and other relevant agencies, having the potential to provide statewide or interstate access to and use of technology to meet the early intervention, educational, recreation-al, and transitional needs of children with handicaps.

Sue Suter (Commissioner of the Rehabilitation Services Administration) when testifying on behalf of Madeleine Will (Assistant Secretary for OSERS), indicated that OSEP has funded a contractor to develop information or guidelines that will help teachers and administrators make more effective use of available general software when working with children with handicaps. The contractor is also developing guidelines that will help developers and distributors of software to refine the design of general software to meet the needs of teachers who work with such children.

OSEP has funded the Association for Speech, Language, and Hearing to identify and to disseminate information about model efforts in States and local school systems to provide assessment of the need for and to provide augmentative communication devices.

In 1988 the new Rehabilitation Engineering Centers (REC's) to be funded by NIDRR in OSERS will focus on practical rehabilitation technology, cooperating with the commercial sector to promote the manufacture, distribution, and evaluation of technology. NIDRR has entered into an agreement with the Association for the Advancement of Rehabilitation Technology (RESNA) to conduct a needs assessment to determine the availability of service delivery personnel and what their training needs are. It is also supporting information dissemination activities through established REC's and the Electronic Industries Foundation.

NIDRR supports Rehabilitation Research and Training Centers, that also address some technology-related needs of individuals with disabilities. For example, the Research and Training Center on Rural Rehabilitation Services is conducting research and providing services in four important areas: (1) development of assistive technology devices that are important for individuals in rural areas, including devices for farmers with disabilities; (2) conducting assessments of the unique, unmet, and specific needs of individuals with disabilities in rural areas, including information about their needs for assistive technology devices and services; (3) provision of technical assistance on the efficacy and use of telecommunication systems for training purposes for individuals with disabilities and service providers who live in rural areas, including information on costs and implementation of such systems; and (4) operating an information clearinghouse on assistive technology devices and individuals with expertise related to such devices. Activities of this Center and others will provide valuable sources of expertise and resources for facilitating statewide programs of technology-related assistance for individuals with disabilities.

Commissioner Suter reported that the Rehabilitation Services Administration (RSA) in OSERS is currently funding 4 training projects in rehabilitation engineering. RSA and NIDRR jointly fund the Job Accommodation Network (JAN). This project provides individualized telephone assistance about technical solutions to job accommodation problems. JAN maintains data on thousands of rehabilitation problems relating to physical and technological barriers to employment, and devices and techniques that have been used to overcome such barriers in specific situations.

General Services Administration.—Judge Leonard J. Suchanek, Board of Contract Appeals, GSA, when testifying before the Subcommittee on Select Education, described several GSA initiatives to promote greater access to technology for individuals with disabilities. He provided the status of GSA proposed guidelines (required by the 1986 amendments to the Rehabilitation Act) for making electronic equipment accessible to individuals with disabilities. He indicated that GSA has two initiatives, other than the guidelines, that promote accommodation for such individuals in the Federal work place; (1) the Interagency Committee for Computer Support of Handicapped Employees, and (2) the GSA Clearinghouse on Computer Accommodation (COCA). The goal of the Committee is to advance the management and use of information technology in order to promote the productivity and achievement of disabled employees. Twenty-four Federal agencies belong to this committee. Specific activities of this committee include: (1) review of guidelines on

electronic equipment accessibility; (2) promote support groups within management units to promote work place accommodation; and (3) organize and promote Federal participation in symposia dealing with computer applications, particularly those that address accessibility.

The Judge indicated that the second initiative, COCA, was the first information technology center for the disabled. At the Center Federal employees may experiment with hardware and software that is accessible to individuals with disabilities; may learn what other agencies and individuals have done to achieve accessibility in computer applications; may learn about recent developments in computer applications; and receive assistance to hands-on solutions to problems in accessibility.

Two additional initiatives of the Interagency Committee for Computer Support of Handicapped Employees to which Judge Suchanek referred are: (1) a cooperative venture with Department of Education and the Government Printing Office to establish a procedure by which government agencies may obtain selected publications in large print, braille, or recorded disc; and (2) a cooperative venture with the Office of Personnel Management to improve policies and procedures relating to the employment of personal assistants for employees with disabilities.

NASA.—The National Aeronautics and Space Administration has a technology transfer program to assist individuals with disabilities. Many of the initiatives they have funded since 1980 have been jointly sponsored by NASA, with the Veterans Administration or NIDRR. The Technology Utilization Program of NASA works with disability groups to identify technology-related needs, identifies potential equipment, devices, approaches, or systems developed by NASA that may be applied to these needs, then coordinates the creation of a NASA team to develop the transfer applications.

Currently, NASA has 12 projects ongoing. One project is with Gallaudet University, in which NASA has developed a visual alert system for deaf drivers to warn them about approaching emergency vehicles. Another project is with the Association of Retarded Citizens to develop a bladder volume fullness indicator. Through this program NASA has also developed an improved hydraulic control system for upper body prosthetic devices. NASA is involved in need identification discussions with United Cerebral Palsy Associations, Inc. and the American Stroke Association in order to select topics for future technology transfer projects.

National Science Foundation.—NSF has a Program in Bio-engineering Research to Aid the Disabled in the Engineering Directorate. This unit administers the Undergraduate Bio-engineering Design Projects. This year NSF has funded 15 projects at schools of engineering. Each project will receive \$60,000 over 5 years. It is anticipated that with these program funds approximately 500 undergraduate student projects will be assisted. These projects have four purposes: (1) to provide disabled children and adults with improved educational experiences and more self-sufficiency; (2) to provide training for undergraduate engineering students in the design, building, and implementation of devices to help disabled persons; (3) to provide schools of engineering with an opportunity to per-

form an unique public service for the community; and (4) to provide support for the development of an infrastructure for bio-engineering in university curricula in schools of engineering. These projects, with photographs of all devices made or modified for individuals with disabilities, will be published in a book for general dissemination.

The Veterans Administration.—The Rehabilitation Research and Development Service (established in 1977) of the VA funds applied research initiatives in three areas: (1) prosthetics and amputation, (2) spinal chord injury, and (3) sensory aids. One of the most highly acclaimed and publicly known devices funded by this service was the "Seattle foot" that is made of a synthetic substance which can both store and release energy. This foot is now commercially available for about \$250,00.

Two initiatives which are under development, sponsored by this service, are a robotic arm for quadriplegics and electrical stimulation to generate the ability to walk in individuals with spinal chord injury. The robotic arm is voice activated and can be instructed to do things like—brush hair or teeth, wash face, or feed, as well as do graphic drawings. In the area of sensory impairments, this service is evaluating different types of cochlear implants to determine, for individuals with deafness, which implants work best in specific situations. For individuals with blindness, this unit is working to improve the quality of voice synthesizers and to develop an electronic braille.

State efforts.—A few States have statewide initiatives to promote technology-related assistance to individuals with disabilities. The Governor of New York established a task force on Technology and Disabilities to identify barriers to technology-related assistance and to make recommendations about how they could be overcome. The work and report of the Task Force were completed in October, 1987.

In testimony submitted for the record, Ms. Wobschall outlined efforts in Minnesota. In October, 1985 the Governor of Minnesota created a task force to investigate the potential of technology to improve the lives of individuals with disabilities. The Task Force explored ways to: (1) increase awareness of the benefits of technology by individuals with disabilities, professionals, and the public; (2) provide access to technology-based products and services; and (3) fund research and development in technology for individuals with disabilities. Based on the findings of this task force, in 1986 the Minnesota State Legislature authorized and funded the Governor's Advisory Council on Technology for People with Disabilities (also known as the Governor's Initiative on Technology for the Disabled), housed in the Minnesota Department of Trade and Economic Development. The Council is responsible for the development of policy, the promotion of technology utilization and development, and greater public awareness regarding the potential use of technology by individuals with disabilities.

The State of Pennsylvania administers a statewide service delivery program which provides assistive technology devices and services to preschool and school-aged children with disabilities through a Central Special Education Regional Resource Center and two other centers. In testifying before the Subcommittee on Select Edu-

cation, Dr. Roland Hahn described the range of assistance available through these centers: (1) assessment of technology-related needs of children with disabilities; (2) training of children, their families and teachers in the use of devices; (3) follow-up support; (4) funds for devices and loans of devices; (5) technical assistance to schools and inservice training for school personnel; and (6) although not fully realized, interagency planning and development of cooperative agreements.

Association and organization efforts.—The American Foundation for the Blind operates a National Technology Center. The Evaluations Director of the Center, John DeWitt, when appearing before the Subcommittee on Select Education, described both the purpose of, and services provided by, the Center. The principal purpose of the Center is to develop, evaluate, and disseminate information about technology benefiting blind or visually impaired individuals. The Center maintains a national user network database, which currently lists about 900 blind or visually impaired individuals, who have shared with the Center extensive information about their experience with various types of technology.

The Association for Retarded Citizens of the United States has a Bioengineering Program. Dr. Cavalier, Director of this program, when testifying before the Subcommittee on Select Education, described the development of several devices developed and tested by the program to assist individuals with cognitive impairments: (1) an assistive device to allow independence in toileting by measuring bladder fullness and setting off a signal if the bladder is full (this effort was in conjunction with the NASA technology transfer program mentioned previously); (2) software to assess the cognitive needs of students with severe mental retardation or severe learning disabilities and then remediate them; (3) an environment control system that can be operated by a voice-recognition system by individuals with cognitive impairments; and (4) with the University of Texas at Arlington, conducting a 3-year effort to design, implement, and evaluate a model strategy for integrating technology assistance into an existing developmental disabilities service delivery system in a large urban community.

The Council for Exceptional Children operates the Center for Special Education Technology. This Center, funded by the Department of Education, is an information resource for educators, developers, and publishers interested in technology, including software, for children with disabilities. The Center synthesizes and organizes information relating to the quality availability, and use of technology for such children. One of the most popular services, especially for parents, of this Center is "Tech-Tapes", a telephone-based information service that allows callers to obtain, for differing disabilities information about devices, their cost range, and other factors.

LEKOTEK is a world-wide system of family support centers that promote the integration of children with disabilities into society by giving families information, training, and materials to help such children at home. One of its efforts, is to make technological adaptations to common, readily available toys, so that children with functional limitations can control and manipulate them like other children. Such toys are then loaned to families with disabled children.

The National Easter Seal Society, in conjunction with IBM, operates the Assistive Technology Project in 10 locations. IBM donated equipment and provided training to project staff. Each of these project sites provides several services: (1) hands-on demonstration and evaluation of available products; (2) assistance in choosing products, calculating payment, and filling out order forms; (3) receipt, assembly, and testing of products; (4) discussion of warranty and training in maintenance of products; (5) hardware set-up and training in initial use; and (6) on-going assistance in the form of telephone support. Equipment purchased through these projects is available at a 33 percent to 50 percent discount.

PUSH (Play Units for the Severely Handicapped) designs equipment and whole environments to increase the independence of individuals with disabilities. It has designed bedrooms, dayrooms, bathrooms, and outdoor parks. One example of its work is a bedroom designed for a 14-year-old boy with cerebral palsy. The room featured three components: a bed unit that allowed for easy access and storage of clothes; a built in closet with shelving that provided access to personal items, some involving remote control; and a uniquely designed corn desk unit that allowed safe and independent work.

United Cerebral Palsy Associations, Inc., specifically the Cerebral Palsy Research and Education Foundation of that organization, promotes the availability of assistive technology through grants to individuals and entities involved in research and development in the area. The Association's members, through centers, provide assistive technology devices and services to children with disabilities and their families. One member of the Association operates a mobile van that travels throughout a State providing a range of technology-related assistance—demonstrating and evaluating equipment, onsite fabrications, and other services.

Private sector efforts.—Three specific private sector initiatives were brought to the attention of the Committee during the development of this legislation. Apple Computer, Inc., in addition to its development and production of adaptive devices to accompany its own and other computer products, established in 1987 the National Special Education Alliance. Apple has donated equipment to 20 "Alliance" centers. These centers are previously established, community-based resource centers that provide resources and assistance to parents and teachers of children with disabilities, as well as children and adults with disabilities. As a member of the alliance, these centers receive computer equipment and related peripherals and software. Each also agrees to promote understanding within the community of the benefits of technology for children and adults with disabilities; provide demonstrations, allow hands-on experiences, and conduct training sessions. In addition to these centers, the Alliance includes professional organizations and vendors. Many of these vendors, as well as Apple Computer, Inc., permit discounts on the purchase of products.

The Dole Foundation, that focuses on disability and employment initiatives, is in the process of developing a Center for Jobs and Accommodation. When operational the Center will provide these services: (1) information referral; (2) job referral networking and job accommodation; (3) management information to employers to facili-

tate gainful employment and career development for employees with disabilities; (4) hands-on experience with work place technology; (5) an information clearinghouse on technology-related products and services; and (6) networking among business, individuals, government, and service providers to encourage employment of individuals with disabilities and to enhance job accommodation.

IBM operates an Assistive Device Center in Atlanta, Georgia, where individuals may see demonstrated and try a variety of computers with various assistive devices attached to control the computers—large keyboards, voice-activated systems, augmentative communication devices, light-controlled systems, among others. This Center also conducts training sessions for employers to demonstrate the benefits of assistive devices in the work place, especially their effects on employee productivity; and answers inquiries and provides technical assistance relating to assistive technology devices and services for individuals with disabilities, through a telephone-based information system. IBM, as indicated previously, is supporting 10 Easter Seals Assistive Devices Centers. It also provides computer equipment at a discount to individuals who have been certified as having a disability.

Implications

The information provided to the Subcommittee and Committee clearly established a basis for the legislation: the need to promote statewide efforts; the need to promote capacity-building at all levels; and the need to coordinate and build on current efforts. Such a Federal initiative should result in direct benefits to individuals with disabilities with technology-related needs.

The most significant implications of this legislation are associated with the impact it will have on the lives of individuals with disabilities.

The range of impact

Gerald Weisman, a rehabilitation engineer from Vermont, in testimony before the Subcommittee on Select Education, gave examples of several devices he made that had a direct and immediate impact on the lives of specific individuals. He described the situation of a 2-year-old boy with cerebral palsy who could not get around by himself. Weisman modified a \$125 toy cart from a general merchandise store. With \$250 in modifications, Mr. Weisman made a cart the child could use independently to explore his environment and "get into trouble like any other 2-year-old."

He described the case of an avid photographer who became a quadriplegic. Weisman, with \$150, modified the individual's camera, by mounting it on a wheelchair and adapted the controls on the camera so that the individual could continue pursuing his hobby.

In a third example, he told the story of Rick, a young man whose family enjoys the outdoors. Rick needed a wheelchair that "would not fall apart" on rough terrain. Weisman designed and built a 3-wheeled cart for Rick for \$350. When the cart was built Rick's Dad pushed him when he jogged. A year later, Rick and his Dad ran "unofficially" in the Boston Marathon.

The critical nature of devices

Ms. Adams, an individual who is deaf and blind, testified about the importance of devices, especially those that help her communicate, and about their costs. The device she uses with a telephone costs \$5,500. When demonstrating this device, she said, "It provides contact with the outside world and enables us to do business on the phone, and other things. How many of you never use the phone? No one. We want to use the phone, too."

Mr. Stone, as an individual who is hard of hearing, also described specific examples about how various devices affected his life, especially in doing business. One device he uses in group settings is an FM wireless microphone which allows the voice of the speaker to come directly into his ear without extraneous auditory interference, and eliminates the need to lip read.

These several examples demonstrate the need for and impact of technology on the lives of individuals with disabilities. These examples make the implications of this legislation, in human terms, very clear.

EXPLANATION OF THE BILL AND COMMITTEE VIEWS

Findings and purposes

Section 2(a) of the bill contains the eight congressional findings that provide the bases for the legislation. First, Congress finds that during the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of most residents of the United States. Second, for all individuals, technology can provide important tools for making the performance of tasks quicker and easier.

Third, for some of the more than 35 million individuals with disabilities, assistive technology is a necessity that enables them to engage in or perform many tasks. The provision of assistive technology devices and assistive technology services enables them to have greater control over their lives; participate in and contribute more fully to activities in their home, school, and work environment, and in their communities; have greater interaction with non-disabled individuals; and otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

Fourth, although the development of assistive technology devices is still in its early stages, there already exists a substantial number of assistive technology devices, including simple adaptations to existing equipment, that could significantly benefit individuals of all ages with disabilities in all major life activities such as early intervention, education, rehabilitation, training, employment, residential living, independent living, recreation, and other aspects of daily living.

Fifth, the use of assistive technology devices and services by individuals with disabilities can reduce the costs of disability to society, individuals with disabilities and the families of such individuals by reducing expenditures associated with special education, rehabilitation, health care, transportation, telecommunication services, and other services required by individuals with disabilities.

Sixth, many individuals with disabilities do not have access to the assistive technology devices and assistive technology services that such individuals need to allow such individuals to function in society commensurate with their abilities. States do not have comprehensive programs for making available technology-related assistance to individuals with disabilities.

There is a lack of: resources to pay for such devices and services; trained personnel to provide such devices and services; information about the potential of technology available to individuals with disabilities, their families or representatives, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals; coordination among existing State human services programs and among such programs and private agencies, particularly with respect to transitions between such programs and agencies; and capacity of such programs to provide the necessary technology-related assistance.

Seventh, there are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities because of limited markets.

Eighth, at the Federal level. There is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. Also the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and services to individuals with disabilities and other appropriate individuals.

Consistent with these findings, section 2(b) specifies the purposes of the bill. With respect to title I, which provides each participating State help in developing a consumer-responsive state-wide program of technology-related assistance, seven purposes are enunciated in section 2(b)(1). The first purpose of the title I program of assistance to States is to increase awareness of the needs of individuals with disabilities for assistive technology devices and assistive technology services. The Committee believes that an understanding of the needs of individuals of all ages with all categories of disabilities is an essential first step in the development of a statewide program.

The second purpose is to increase awareness of policies, practices, and procedures that facilitate or impede the availability or provision of assistive technology devices and assistive technology services. The Committee believes that increased awareness of policies that facilitate the availability and provision of assistive technology devices and services will have the direct effect of increasing the number of persons actually receiving such devices and services. Similarly, identifying policies that impede the availability or provision of such devices or services, followed by modifications of these policies in appropriate circumstances, will also result in greater numbers of individuals with disabilities actually receiving such devices and services.

The third purpose is to increase the availability of, and funding for the provision of, assistive technology devices and assistive technology services for individuals with disabilities. The Committee wishes to emphasize that this is a primary purpose of the statewide program.

The fourth purpose is to increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among individuals with disabilities, their families or representatives, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers, primary service providers, and specialized practitioners), employers and other appropriate individuals. The Committee believes that, currently, too many decisions by or affecting individuals with disabilities are being made without considering the potential positive impact of technology. For example, many insurance adjusters are denying requests for reimbursement for assistive technology out of ignorance of the cost benefit of such devices.

The fifth purpose is to increase the capacity of public and private entities to provide assistive technology devices and assistive technology services and to pay for the provision of such devices and services. The Committee recognizes that many individuals with disabilities rely on assistance from public and private entities. It is critical that persons working for these entities are knowledgeable about the efficacy of assistive technology devices and services, are trained and qualified to provide the necessary devices and services, and have the authority to make available the necessary devices and services.

The sixth purpose is to increase coordination among State agencies and public and private entities that provide assistive technology devices and assistive technology services. The Committee believes that agencies that serve individuals with disabilities must work together to ensure quality and continuity of services. Inconsistent policies, procedures and practices that frustrate the delivery of services should be eliminated.

The final purpose related to the title I program of assistance to States is to increase the probability that individuals of all ages with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as they make the transition between services offered by human services agencies or between settings of daily living.

Assistive technology devices enable individuals with disabilities to communicate, live, work, and recreate in a variety of new ways. When these advantages are limited to one setting, the power of the assistive technology device is greatly diminished, both for the person and for the community. Therefore, statewide programs should recognize and address the need for assistive technology devices to be as transportable as possible so that persons can use them in as many situations as their lives demand. For example, a child with cerebral palsy who is able to communicate during the school day with his or her classmates and teacher through the use of an augmentative communication device should be provided the same opportunity to communicate with members of his family and friends at home. Further, it is critical that when an individual moves from one human service agency that provides a device to another agency, that the individual not be deprived of the device during the transition.

It is the Committee's intent that these seven purposes serve as the linchpins with respect to the design and implementation by the States of the statewide programs of technology-related assistance

and for the review by the Secretary of applications for grants under title I.

In addition to the purposes applicable to title I of the legislation, two purposes are set out regarding the title II programs of national significance. The first purpose set out in section 2(b)(2), is to facilitate the identification of Federal policies that facilitate payment for assistive technology devices and assistive technology services for individuals with disabilities; the identification of Federal policies that impede such payment; and the elimination of inappropriate barriers to such payment.

The second purpose of title II, set out in section 2(b)(3), is to enhance the ability of the Federal Government to provide States and other entities with technical assistance, information, and training and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and to provide the funding for model demonstration and innovation projects.

Definitions

Section 3 of the bill defines the major terms used in this legislation, including individuals with disabilities, assistive technology device, assistive technology service, technology-related assistance, underserved group, institution of higher education, Secretary, and State. These definitions should not be construed as expressing Congressional intent to modify or supercede definitions or policies included in other Federal statutes.

The definition of the term "individual with disabilities" includes a two-prong test. First, the individual must have a disability or handicap under any Federal law or the law of the State in which the individual resides.

Second, such an individual is one who is or would be enabled by assistive technology devices or assistive technology services to maintain a level of functioning or to achieve a greater level of functioning in any major life activity.

The Committee intentionally includes in the legislation the broadest possible definition of the term to provide States with maximum flexibility. It is important to note, however, that whenever this term is used in the legislation, both prongs of the definition apply.

While it is generally recognized that technology-related assistance can significantly benefit individuals with physical and sensory disabilities, the Committee recognizes the similar value of technology-related assistance to individuals with cognitive impairments. Thus, the Committee intends that children and adults with cognitive impairments shall be among the segments of the population considered eligible for assistance under the Act.

Individuals with cognitive impairments include individuals who have conditions such as mental retardation, learning disabilities, closed head injury/traumatic brain injury, cardiovascular accident, Alzheimer's disease/dementia, senility, dyslexia, and aphasia.

Section 3(1) of the bill defines the term "assistive technology device" as any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized,

that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. The Committee includes this broad definition to provide maximum flexibility to enable States to address the varying needs of individuals of all ages with all categories of disabilities (including physical and cognitive) and to make it clear that simple adaptations to equipment are included under the definition as are low and high technology items and software.

The term "assistive technology service", as defined in section 3(2), means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. The term includes, but is not limited to, the six categories of services specified in section 3(2). First, the term includes the evaluation of the need of an individual with a disability for technology-related assistance, including a functional evaluation of the individual in the individual's customary environment. The phrase "customary environment" is intended to mean the various environments in which an individual engages in his or her major life activities. For example, for a school-age child, customary environments include home and school environments.

Second, the term includes the purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities. The Committee intends that the purchase, lease, or otherwise providing for the acquisition of such devices must be consistent with the supplement, not supplant provision set out in section 102(e)(11) of the legislation. The Committee also intends that the phrase "or otherwise providing for the acquisition of" should be construed to permit the inclusion of innovative strategies for making devices available, including the lending out of previously used devices.

Third, the term includes the selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices.

Fourth, the term includes coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs. The Committee intends that, to the extent appropriate, activities associated with the provision of assistive technology devices and services should be incorporated into other planning activities conducted on behalf of and with individuals with disabilities. The Committee does not intend that activities associated with the provision of assistive technology devices and services should occur in isolation from or without consideration for other planning activities.

Fifth, the term includes training or technical assistance for an individual with disabilities, or where appropriate, the family or representative of an individual with disabilities. The Committee believes that training of this sort is frequently an essential condition to ensure that the device is used in a manner that provides maximum benefit to the individual.

Sixth, the term includes training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities. Training of the

persons with whom the individual with a disability is involved is equally important as the training of the individual and his or her family or representative. If a teacher, for example, does not know the potential uses of the device, the student will not be able to attain his or her potential.

Section 3(7) defines the term "technology-related assistance" to mean functions performed and activities carried out under title I of the Act in furtherance of the purposes of the Act, which were described previously in the Report. The Committee intends that the term includes the provision of and payment for assistive technology devices and assistive technology services.

The term "underserved group", as defined in section (3)(8), means any group of individuals with disabilities who, because of disability, place or residence, geographic location, age, race, sex, or socioeconomic status, have not historically sought, been eligible for, or received technology-related assistance. In developing and implementing statewide programs of technology-related assistance, the Committee expects States to take into account the technology-related needs of the full range of individuals with disabilities, some of whom, unless specifically referenced, may be overlooked. Some examples of individuals who fall into an underserved group may include: individuals with multiple disabilities; individuals living in isolated areas; nursing homes, or group homes; individuals out of the work force, including the elderly; individuals from ethnic minorities; and the poor.

TITLE I—GRANTS TO STATES

Nature of the Program of Assistance to States

Section 101 of the bill specifies the nature of the program of assistance to States; and includes non-exhaustive lists of functions that may be performed and activities that may be carried out to accomplish the purposes of the program.

Under section 101(a), the Secretary of Education is authorized to make grants to States to assist States to develop and implement consumer-responsive statewide programs of technology-related assistance that accomplish the purposes set out in section 2(b)(1) of the Act. The Committee expects the Secretary to place the administration of the programs authorized under this Act in the Office of the Assistant Secretary for Special Education and Rehabilitative Services. The Committee urges the Secretary, in delegating such authority to that office, to assign the initial responsibilities for the title I program to staff who have experience in programs associated with technology and in facilitating State initiatives in this area.

The Committee includes the phrase "consumer-responsive" in order to emphasize the importance of ensuring the active involvement of individuals with disabilities and their families or representatives in the decision-making process related to the development and implementation of a statewide program of technology-related assistance for such individuals, and of ensuring the direct involvement of an individual with disabilities and his or her family or representative in decisions associated with the selection and provision of assistive technology devices and services to that individual.

Functions of programs

A State that receives a grant under title I may accomplish the purposes described in section 2(b)(1) by carrying out any of the 11 functions described in section 101(b) of the bill or through any other functions the Secretary considers appropriate. The 11 functions included in the bill are: (1) the identification of individuals with disabilities and ongoing evaluations of their needs for technology-related assistance; (2) the identification and coordination of resources, including entering into interagency agreements; (3) the provision of and payment for assistive technology devices and assistive technology services; (4) the dissemination of information; (5) the provision of training and technical assistance; (6) the development of a public awareness program; (7) the provision of assistance to statewide and community-based organizations; (8) the support of partnerships and cooperative initiatives; (9) taking steps to develop qualifications of staff including (if considered appropriate by the State) adding specific course requirements to professional training standards and certification and licensing criteria; (10) the compilation and evaluation of appropriate data relating to the program; and (11) the establishment of procedures for involvement of concerned individuals.

Authorized activities

In carrying out the functions described above, a State may use grant funds for any activity necessary for developing, implementing, or evaluating the statewide program of technology-related assistance. Section 101(c) includes illustrations of the types of activities that are permissible.

One authorized activity is support for model systems for the delivery of assistive technology devices and assistive technology services to individuals with disabilities that, if successful, could be replicated or made generally applicable. A model system may include the purchase, lease, or other acquisition of assistive technology devices and assistive technology services or payment for the provision of assistive technology devices and assistive technology services. The acquisition or payment for assistive technology devices and assistive technology services must be consistent with the supplement, not supplant assurance made in the State's application.

A model system may also include: the use of counselors, including peer counselors, to assist individuals with disabilities and the families of individuals with disabilities to obtain assistive technology devices and assistive technology services; the involvement of individuals with disabilities or, if appropriate, families or representatives of individuals with disabilities, in decisions related to the provision of assistive technology devices and assistive technology services to individuals with disabilities; and the evaluation of the efficacy of the particular model delivery system.

A second authorized activity included in the legislation is a statewide needs assessment. The needs assessment may be based on existing data and may include: estimates of the numbers of persons with disabilities; estimates of the number of individuals with disabilities in need of assistance and the nature of their needs; current and past efforts to address their needs; the costs of addressing

needs; State, local and private resources (including insurance) available to establish a statewide program; and identification of State and Federal policies that facilitate or interfere with the operation of a statewide program.

The needs assessment may also include a review of alternative state-financed systems of subsidies for the provision of assistive technology devices and services, including a loan system for assistive technology devices, a low-interest loan fund, a loan insurance program, and partnership with private entities for the purchase, lease or, other acquisition of devices or the provision of services.

Additional components of a needs assessment may include a review of State procurement policies and the extent to which such policies ensure, to the extent practical, that assistive technology devices purchased, leased, or otherwise acquired with assistance under title I are compatible with other technology devices; and an inquiry into practices of private insurance companies that facilitate or impede the payment for assistive technology devices and services.

An additional activity specified in the legislation is to encourage the creation, or maintenance, and enhancement of statewide or community-based organizations or systems assisting individuals with disabilities to use assistive technology devices or services. The Committee intends that the phrase "community-based organizations or systems" include family resources networks.

The authorized activities also include: a public awareness program designed to provide information about the availability and efficacy of such devices and services; a system of access to technology-related information including the preparation of information in diverse media forms (print, audio, video, and braille material), to accommodate individuals with disabilities (including those with sensory or cognitive limitations); information on funding sources and support groups; and a record of the extent to which citizens use the system. In addition, the legislation includes training and technical assistance, assistance relating to the use of such devices and services by individuals. The Committee believes that training activities are among the most critical a State may perform. For example, if States fail to train individuals with disabilities, their families or representatives, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers, primary service providers, and specialized practitioners), employers, and other appropriate individuals, the promise of assistive technology devices for all categories of individuals with disabilities will not be realized.

The Committee recognizes that there is a limited supply of persons throughout the nation with the expertise necessary to evaluate the technology-related assistance needs of an individual with disabilities and determine the appropriate technology-related assistance for that individual. Throughout the Act the Committee has addressed this issue. It is expected that the States will develop a plan that is integrated with other plans to ensure a comprehensive system of personnel development, including the development of appropriate certification or licensure standard for the preparation of such personnel, and the development and support of needed personnel preparation programs.

The legislation also makes it clear that a State may enter into cooperative agreements with other States to expand the capacity of the States to develop and implement statewide programs of technology-related assistance.

Development grants

Section 102 of the bill directs the Secretary to award States 3-year grants to assist States to develop and to implement statewide programs of technology-related assistance for individuals with disabilities. The Secretary may award on a competitive basis not more than 10 grants in the first year for which amounts are appropriated; 20 in the second year; and any number in the third year.

In making these awards, the Secretary, to the extent practicable, must award grants to States in a manner that is geographically equitable and distribute the grants among States that have differing levels of development of statewide programs of technology-related assistance. The Committee intends that each competition for development grants provides opportunities for funding to States with limited and moderate, as well as extensive activities and experiences in developing and implementing statewide programs to technology-related assistance for individuals with disabilities. The Committee intends that the term "geographically equitable" includes ensuring equity among urban and rural and small and large States.

For each of the first two years of the grants period, the award may not be less than \$500,000 and not be more than \$1,000,000 for the grant period. For the third year of the grant period, the grant may be for an amount between \$500,000 and \$1,500,000. The size of an award to a territory may not be more than \$150,000 per year.

The Secretary must calculate the amounts of grants on the basis of three factors: (1) the amounts available for making grants; (2) the population of the State or territory concerned; and (3) the types of activities proposed by the State or territory relating to the development of a statewide program of technology-related assistance. It is the Committee's intent that the greater the magnitude of efforts and the more comprehensive the activities proposed by a State, the more appropriate it is for the Secretary to award the maximum amount authorized.

The legislation also includes a priority for previously participating States. The Committee intends that States that successfully compete and receive funding be given priority consideration for funding prior to awarding funds to new grantees. Priority consideration is warranted for the first and earlier grantees to ensure continuity for initial State investments and for expansion and extension of efforts toward implementation of statewide programs.

Any State that desires to receive a development grant must submit an application that includes a designation by the Governor of the office, agency, entity, or individual responsible for preparing the application; administering and supervising the statewide program, ensuring coordination among agencies; ensuring active, timely, and meaningful participation by consumers and others; and authorizing the delegation of any responsibilities described above,

in whole or in part, to one or more appropriate offices, agencies, entities, or individuals.

The Committee recognizes that States use different governance systems for addressing the needs of individuals with disabilities. Thus, the legislation permits each State to determine how best to design and implement the statewide program of technology-related assistance for individuals with disabilities. It is expected that a State will include in its application the offices, agencies, entities, or individuals responsible for the varying functions set forth in this subsection.

The application must also specify the nature and extent or involvement of various State agencies and the public (including individuals with disabilities, the families or representatives of such individuals, and private agencies and organizations), in the preparation of the application and the continuing role of such agencies and the public in the development of the statewide program. The Committee included these provisions in order to effectuate the basic precepts of the legislation that the program be "consumer-responsive" and "statewide." It is the Committee's intent that public input be obtained prior to submission of the application and prior to the formulation of significance revisions in policies that effect the provision of technology-related assistance for individuals with disabilities.

In addition, the application must include a preliminary needs assessment and a description of State resources and other resources (to the extent information is available) to be committed to the development of the statewide program. The Committee considered but rejected at this time the inclusion of a cost sharing or matching requirement. However, a State's willingness to commit its own resources (people or funding) to the development of the statewide program is certainly a factor the Secretary may consider in selecting States for participation in the program. At the end of the authorization period of this legislation, the Committee expects to give serious consideration to changing this program into a formula grant program and at that time requiring States to share in the program's costs.

Furthermore, the application must specify the State's goals, objectives, functions, activities, and outcomes expected at the end of the grant period with respect to the statewide program; the procedures used to compile information and conduct evaluations; and State policies with respect to contracts, grants and agreements.

The application must also contain a number of assurances pertaining to: the establishment of an equitable procedure for making technology-related assistance available throughout the State; compliance with the Act; supplementing, not supplanting existing or other resources; control of property and funds; reports; commingling of funds; fiscal control and accounting procedures; and availability of information.

The supplement, not supplant assurance set out in section 102(e)(11), specifies that amounts received under the development grant will be used to supplement amounts available from other sources that are expended for technology related assistance, including the provision of assistive technology devices and services, and that, except as specified in the next paragraph, these amounts will

not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices and services) that would have been paid with amounts available from other sources if amounts under the grant had not been available.

Funds made available under the grant may be used to pay for technology-related assistance that would have been paid with amounts from other sources only if such payment is made to prevent a delay in the receipt of appropriate technology-related assistance (including devices and services) by an individual with disabilities and the entity or agency responsible subsequently reimburses the appropriate account with respect to programs and activities under the grant in a amount equal to the amount of the payment.

For purposes of demonstrating compliance with this assurance, it is not the Committee's intent that a State be required to ascertain the aggregate amount expended in the State for technology-related assistance and then maintain that level. Such an obligation would be impossible to satisfy. Further, this provision should not be construed as requiring nonprofit organizations to maintain their level of support for technology-related assistance.

Rather, the Committee expects that the Secretary will develop objective standards that are feasible to satisfy. For example, the Secretary could provide that a State is presumed to have violated this provision if, after the enactment of this legislation, a State agency modifies a policy that permits the funding of technology-related assistance so that it prohibits such funding. The State could rebut this presumption by demonstrating that the change would have occurred even if this legislation has not been enacted.

The assurance relating to availability of information (section 102(e)(16)), specifies that the State must make available to individuals with disabilities and the families or representatives of individuals with disabilities information concerning technology-related assistance in a form that will allow such individuals to effectively use such information. In preparing such information for dissemination in a manner that is consistent with the previous sentence, the State must consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials (such as video cassettes and video discs), and braille materials.

Extension grants

In accordance with section 103 of the bill, the Secretary may award a 2-year extension grant to any State that demonstrates to the Secretary that it made significant progress in developing and implementing a statewide program of technology-related assistance under a development grant consistent with the requirements described above, and with the purposes of the Act set out in section 2(b)(1).

The Secretary shall pay to each State that receives an extension grant an amount that is not less than \$500,000 and not more than \$1,500,000 per year. The Secretary must calculate the amount of the grant on the basis of the following four factors: (1) amounts available for making grants; (2) the population of the State; (3) the types of assistance to be provided; and (4) the amount of resources

committed and available from other sources. The Committee intends that the fourth criteria serve as an incentive to the State to commit funds from other sources; thus, the more substantial the amount of resources committed and available within the State from other sources, the larger the amount the Secretary may award to the States. The bill also includes a priority for previously participating States.

A State that desires to receive in extension grant must submit an application that contains the following: (1) a description of the needs of individuals with disabilities for technology-related assistance, including individuals from underserved groups, families or representatives of individuals with disabilities, and other appropriate individuals within the State; (2) a description of the specific activities carried out under the development grant and the relationship of these activities to the development of a statewide program; (3) documentation of the progress made under the development grant toward development of a statewide program; (4) a description of State actions designed to determine the degree of satisfaction of concerned persons with the extent of their involvement, the specific activities carried out by the State, and progress made toward development and implementation of the statewide program; (5) a summary of any comments received and the State's responses; (6) the same type of information provided in the development grant application (except the preliminary needs assessment); and (7) an assurance that the State will comply with guidelines established under section 508 of the Rehabilitation Act of 1973, which address making office equipment that is electronic accessible to individuals with disabilities.

Progress reports

Section 104 of the legislation provides that each State that receives a development or extension grant must submit an annual report to the Secretary. The report must describe: (1) completed activities carried out under the grant, including, to the extent appropriate, a description of the impact of such activities on individuals with disabilities, public agencies, financial resources committed to technology-related assistance for individuals with disabilities, community-based organizations, and employers; (2) unanticipated problems encountered in carrying out such activities; and (3) activities planned to rectify such problems in the following year. It is the Committee's intent that these reports be made readily available to the public at no cost.

In addition each State that receives a development grant may include, and each State that receives an extension grant must include, the following information in the progress reports: (1) the types of assistance provided under the grant and the effects of the grant, especially with respect to individuals with disabilities; (2) the types of environments in which assistance was provided under the grant; and (3) how the information required by this report was derived. The Committee is particularly interested in the impact of technology on the lives of individuals with disabilities, and expects such reports to include examples of such impact.

Administrative provision

Sections 105(a) and (b) of the bill direct the Secretary to establish a system to assess the extent to which States that receive development and extension grants are making significant progress in achieving the purposes of the title. The section calls for the Secretary to conduct onsite visits and specifies the purpose of the visits and the procedures for the submission of corrective action plans including penalties and appeals procedures.

Relationship between assistance under this legislation and other federal laws

Section 105(c) specifies that nothing in title I of the legislation shall be construed to permit the State or any Federal agency to reduce medical or other assistance available or to alter eligibility under titles II, V, XVI, XVIII, XIX, or XX of the Social Security Act; the Education of the Handicapped Act; the Rehabilitation Act of 1973; or laws relating to veterans' benefits.

Authorization of appropriation

Section 106 of the bill authorizes to be appropriated to carry out title I \$9,000,000 for fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year ending before October 1, 1993.

Under Section 106(b)(1) the Secretary must reserve 1 percent of the funds appropriated in any fiscal year or \$500,000, whichever is greater, for the purpose of providing States with information and technical assistance with respect to the development and implementation of statewide programs of technology-related assistance. The Committee intends that information and technical assistance be made available to all States, not just those States that receive development or extension grants. Under section 106(b)(2), the Secretary may reserve such sums as the Secretary considers necessary to conduct onsite visits.

Evaluation

Section 107 of the bill directs the Secretary, directly or by contract, to conduct a national evaluation of the program of grants to States and report to the Congress not later than October 1, 1992. The Secretary is also expected to work with the States to consider and develop a uniform information system designed to report and compile a qualitative and quantitative description of the impact of the program of grants to States under title I.

The Committee recognizes that the evaluation activities are likely to be complex, time consuming, and require new approaches to Federal evaluation and multi-state reporting. This is because the technology-related needs of individuals with disabilities cannot be considered in isolation and because of the difficulty of identifying and measuring the impact of such assistance on the individual, others involved with the individual, agencies, financing, and other factors. The Committee believes, however, that such evaluation efforts are essential for the long term viability of Federal and State efforts in technology-related assistance.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

Financing study

Section 201 of the bill directs the National Council on the Handicapped to conduct a study and make recommendations to the Congress and the President concerning the financing of assistive technology devices and assistive technology services for individuals with disabilities. Specifically, the bill identifies four topics that must be addressed.

First, the Council must review Federal laws, regulations, procedures, and practices that facilitate or impede the ability of the States to develop and implement consumer-responsive statewide programs of technology-related assistance for individuals with disabilities.

Second, the Council must review Federal and State laws, regulations, procedures, and practices that facilitate or impede the acquisition of, financing of, and payment for assistive technology devices and assistive technology services for individuals with disabilities.

Third, the Council must review policies, practices and procedures of private entities (including insurers) that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities.

Fourth, the Council is directed to make recommendations concerning alternative strategies for acquiring or paying for assistive technology devices and assistive technology services.

The Council is also directed to appoint an Advisory Committee to assist in carrying out this study. The Advisory Committee must include individuals from both the public and private sectors who have broad experience and expertise directly relevant to the issues to be studied and must also include individuals with disabilities, members of families of individuals with disabilities, and representatives of organizations representing individuals with disabilities.

The bill directs all Federal agencies to cooperate with the Council in carrying to use resources of Federal, State, and Local agencies with their consent.

A final report, together with recommendations (including proposals for legislation), must be submitted by the Council no later than 18 months after funds are appropriated to carry out this study.

National information and program referral network

Part B of title II of the legislation concerns the establishment of a national information and program referral network. Within a prescribed period the Secretary must conduct a study to determine the feasibility and desirability of creating a national information and program referral network to assist States to develop and to implement consumer-responsive statewide programs of technology-related assistance and to determine the appropriate structure for the organization and operation of such a network if it is determined to be feasible and desirable.

If the Secretary determines that establishment and operation of such a network is appropriate, the Secretary must, within the prescribed period, enter into any contract or cooperative agreement

necessary to establish and operate such a network. The network may consist of information and program referral networks in existence or under development at the time of the study.

The Committee intends that the national information and program referral network will be used to enhance the ability of States to provide necessary information to individuals with disabilities, families or representatives of such individuals, professionals and community-based organizations working with such individuals, and others in need of information within the States.

The Committee recognizes that there are two general categories of information that States must be able to make available to such individual. The first category includes information that is State-specific, such as a listing of individuals within the State who can help a farmer with a disability adapt a tractor. The second category includes information that is general in its applicability. For example, the development of a manual on how to adapt a tractor would be relevant for farmers with disabilities in all States. It is the Committee's intent that the national network provide States with the second category of information so that the States are not constantly "reinventing the wheel."

It is also the Committee's intent that where particular expertise is required to provide specialized information, mechanisms be included in the network which ensure that specialized needs assessments can be conducted and the specialized information can be developed and disseminated. For example, the Committee believes that a special mechanism should be included in the network for addressing the needs of farmers with disabilities. It is also the Committee's intent that the Secretary make maximum use of existing programs.

Training and public awareness projects

The critical role that training plays in effectuating the overall goals of this legislation was previously stated in this Report. The Committee believes that in order to develop and to implement effective programs in technology-related assistance for individuals, many groups, organizations, professionals, business associations, and consumer-related entities must be provided the opportunity to acquire knowledge about how technology can benefit individuals with disabilities. The Committee anticipates that once trained and informed about the efficacy of technology, individuals from such groups will have a greater impact on the policies, procedures, and practices that affect the availability of, and access to, assistive technology devices and services for all categories of individuals with disabilities.

Part C of the bill authorizes the Secretary to fund training and public awareness projects. With respect to training, two distinct categories of projects are authorized. First, under section 221(a) of the bill, the Secretary is authorized to enter into contracts or cooperative agreements with appropriate nonprofit or for-profit entities for the purposes of conducting training sessions and developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance.

Activities conducted under these contracts or cooperative agreements may address the training needs of individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including primary service providers, specialized practitioners, and insurers), employers, and other appropriate individuals (such as electrical engineers and computer specialists).

The Committee believes that it would be appropriate for the Secretary to enter into contracts with a number of different organizations, each of which has experience working with specific category or categories of individuals. The contractor would develop appropriate training materials (such as electrical engineers and computer specialists).

The Committee believes that it would be appropriate for the Secretary to enter into contracts with a number of different organizations, each of which has experience working with specific category or categories of individuals. The contractor would develop appropriate training materials and then train individuals to be trainers. These trainers could then train others working in the field.

It is also the Committee's intent that the Secretary may utilize the authority under section 221(a) to develop curricula, materials, and methods that can be utilized in both preservice and inservice training programs across the country to meet the personnel preparation needs established by the State. It is the Committee's intent that training delivered to the groups delineated above may include the specialized application of existing and future technology, with little or no modification for use by individuals with cognitive impairments.

The second category of training grants authorized under the bill is grants under section 221(b) to assist institutions of higher education prepare personnel for careers relating to the provision of technology-related assistance to individuals with disabilities. In awarding grants, priority must be given to the preparation of personnel requiring advanced knowledge who will be able to prepare other personnel to provide technical assistance, administer programs, or prepare personnel necessary to support the development and implementation of consumer-responsive statewide programs of technology-related assistance for individuals with disabilities. In awarding such grants, it is expected that the Secretary will give positive consideration to institutions of higher education that can demonstrate an ability to prepare such personnel and demonstrate a commitment to supporting and maintaining such personnel preparation programs. Funds may be used to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Secretary.

The Committee recognizes the need for trained professionals in the areas of technology-related assistance. Currently, there are a limited number of training programs that train such professionals in such areas, and such training is often only a part of or secondary to other areas of expertise development. By giving emphasis to leadership development and training of trainers in technology-related assistance under section 221(b), the Committee expects that

grant funds will complement other training initiatives funded by the Department of Education and expedite the availability of needed expertise in technology-related assistance for individuals with disabilities.

Section 222 authorizes the Secretary to make grants to, or enter into contracts with, nonprofit and for-profit entities to carry out national projects that recognize and build awareness of the importance and efficacy of assistive technology devices and assistive technology services for individuals of all ages with disabilities functioning in various settings of daily life. Funds may be used for a national media campaign, convening national and regional conferences, preparing and disseminating information, encouraging others to hold national and regional conferences, and developing and maintaining recognition programs that are designed to promote public credit to entities that demonstrate an aggressive effort for a sustained period of time to provide or promote the use of technology-related assistance or the development of assistive technology devices.

The Committee anticipates that such activities will complement training activities funded under this section, serve to educate the general public about the benefits of technology, and promote proactive partnership between the public and private sector that will make assistive technology devices and services more readily available to individuals with disabilities.

Section 223 directs the Secretary to establish priorities for grants under Part C and publish such priorities in the Federal Register for comment and then in final form along with an explanation of how the priorities were determined. In any year program announcements may be published concurrently with or after the publication of the final priorities.

Demonstration and innovation projects

Part D of title II of the bill provides authority for three distinct categories of demonstration and innovation projects. The first category is model projects for delivering assistive technology devices and services to individuals with disabilities functioning in various environments and carrying out various life activities, including model systems described in section 101 of title I. The Committee intends that the Secretary have discretion to fund varying approaches for delivering devices and services, including but not limited to, center-based and mobile systems. The Committee included this provision because of its belief that the Federal Government should play a critical role in facilitating the development of model service delivery systems.

The Committee expects that model service delivery projects that are awarded in States that have Title I State Grants will complement and augment efforts under such grants to provide model service delivery projects and other technology-related assistance to individuals with disabilities. The Committee expects that projects funded in States that do not have such grants will address acknowledge technology-related needs and help prepare the State to participate in the State grant program under title I.

The second category of demonstration and innovation projects is the conduct of applied research and development projects. The bill includes four examples of the types of projects that the Committee expects might be funded. The first example is projects designed to increase the availability of reliable and durable devices that address unique, low-market demand, or complex technology-related needs for individuals with disabilities. The Committee recognizes that some individuals have special technology-related needs that require individualized customization. Meeting such needs can be time-consuming and expensive. However, the strategies associated with such customization, in many instances, can benefit others with similar needs. The Committee anticipates that projects funded through the applied research and development authority should result in customization strategies, such as engineering blueprints and modularization of technological components that will have further applicability.

The second example is projects designed to develop strategies and techniques that involve individuals with disabilities in assessing the performance characteristics of technology that is not designed specifically for individuals with disabilities and developing adaptations of such technology for individuals with disabilities. The Committee believes that the effectiveness of many assistive technology devices can be increased if their performance can be assessed by users before mass marketing and before purchase. The Committee intends that the authority to fund such initiatives will be an incentive to producers to test devices before mass production. This authority should be particularly attractive to such producers with limited capital.

The third example is projects designed to assist in the transfer of technology that is not specifically designed for individuals with disabilities to uses appropriate for such individuals. The Committee believes that with simple modifications, many everyday devices could be used by individuals with disabilities. Examples of such modifications include modification in pressure required to operate a device, or weight, size, shape, or color of a device or other similar modification. Such modifications would not necessarily affect the utility of such products by the general public, but often for the first time, allow individuals with disabilities to use them.

The fourth example is projects designed to facilitate effective and efficient technology transfer. The Committee expects the phrase "facilitate effective and efficient technology transfer" to be construed as broadly as possible, and to include the application of technology innovations from diverse fields to meet the needs persons with disabilities and the modification of assistive technology devices designed for individuals to meet the technology-related needs of individuals with different functional limitations.

The third category of demonstrations included in part D is an income-contingent direct loan demonstration project that would examine the feasibility of a direct loan program that would provide loans to individuals with disabilities who require technology-related assistance in order to maintain a level of functioning or to achieve a greater level of functioning in any major life activity, or loans to purchase such devices for such individuals to their families or employers. The Secretary is also directed to report back to Con-

gress concerning the feasibility of operating such a program beginning after September 30, 1993.

The Committee recognizes that such a Federal effort is unique. However, given that cost associated with acquiring technology is one of the most significant barriers to overcome, the Committee believes that giving this authority to the Secretary, with broad discretion, will offer one more option for promoting access to assistive technology devices for individuals with disabilities.

Authorization of appropriations for Title II

Section 241 of the bill authorizes to be appropriated for purposes of carrying out title II of the bill (other than section 231(b) (1) pertaining to model projects for delivering assistive technology devices and services) \$5,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993. There are authorized to be appropriated for purposes of carrying out the model projects for delivering assistive technology devices and services \$1,500,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

The bill also includes several priorities for the funding of projects under title II. First, notwithstanding any other provisions included in the legislation, if amounts appropriated for purposes of carrying out this legislation for the fiscal year 1989 equal or exceed \$6,000,000, the Secretary must first make available, from such amounts, not less than \$500,000 for model projects for delivering assistive technology devices and services.

Second, with respect to other title II activities, the Secretary must first make available from the amount appropriated under title II for fiscal year 1989 not more than \$250,000 for purposes of carrying out the study of the financing of assistive technology devices by the National Council on the Handicapped. Subject to the priority described in the previous sentence, of the amounts appropriated under title II for any fiscal year the Secretary must first make available, in order of priority not more than \$750,000 for purposes of carrying out the study of the feasibility of establishing a national information and program referral network and such sums as may be necessary for purposes of carrying out such a national network, if deemed appropriate by the Secretary.

The Committee establishes these funding priorities for two reasons. First, the Committee expects that the National Council on the Handicapped has the capacity and experience to determine quickly the adequacies of policies, procedures, and practices associated with financing assistive technology devices and services, and make recommendations for necessary changes to the Legislative and the Executive Branches in timely manner.

Second, in order to facilitate the implementation of a National Information and Program Referral Network by fiscal year 1993, it is important to begin the feasibility study authorized in the legislation as soon as possible. The feasibility study as well as the contract-award activities associated with the Network will take a substantial period of time even if activities are initiated on the date of enactment.

Relationship of this section to comparable section in the Senate report

H.R. 4904 as reported out of the Education and Labor Committee of the House of Representatives is identical to S. 2561 as reported out of the Committee on Labor and Human Resources of the Senate of the United States. This section, Explanation of the Bill and Committee Views, is identical to the comparable section in the Senate Report accompanying S. 2561.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(1)(3)(C) of Rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to the filing of this report, is set forth as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC. July 18, 1988.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor,
U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 4904. The Technology-Related Assistance For Individuals With Disabilities Act of 1988, as ordered reported by the Committee on Education and Labor on July 12, 1988.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM, *Acting Director.*

Attachment.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 4904.
2. Bill title: Technology-Related Assistance for Individuals With Disabilities Act of 1988.
3. Bill status: As ordered reported from the House Education and Labor Committee, July 12, 1988.
4. Bill purpose: The purpose of this bill is to authorize through 1993 three new grant programs for technology-related assistance for individuals with disabilities. These grants are subject to subsequent appropriations action.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1989	1990	1991	1992	1993
Estimated authorization levels-					
Grants to States	9.0	9.4	9.7	10.1	10.5
Programs of national significance	5.0	5.2	5.4	5.6	5.8
Model service delivery projects ..	1.5	1.6	1.6	1.7	1.8
Total estimated authorization	15.5	16.2	16.7	17.4	18.1
Estimated total outlays	11.9	15.4	16.5	17.2	17.9

The costs of this bill fall in Function 500.

Basis of estimate: The authorization levels for the grants to states, the programs of national significance, and the model delivery projects are those stated in the bill for 1989. The outyear authorization levels reflect the 1989 stated levels adjusted for inflation. Outlay estimates assume full appropriation of authorization levels at the start of the fiscal year and reflect the spending patterns of other current-year funded Department of Education programs.

6. Estimated cost to State and local government: The grants to states are to be awarded on a competitive basis. There is no federal government matching requirement.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Kalcevic.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

COMMITTEE ESTIMATE

With reference to the statement required by clause 7(a)(1) of Rule XIII of the Rules of the House of Representatives, the Committee accepts the estimate prepared by the Congressional Budget Office.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 4904 will have no inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

OVERSIGHT FINDINGS OF THE COMMITTEE

With reference to clause 2(1)(3)(A) of Rule XI of the Rules of the House of Representatives, the Committee's oversight findings are set forth in Summary and Background and Need for the Legislation sections of this report. No additional oversight findings are applicable at this time.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

In compliance with clause 2(1)(3)(D) of Rule XI of the Rules of the House of Representatives, no findings or recommendations by the Committee on Government Operations were submitted to the Committee with reference to the subject matter specifically addressed in H.R. 4904.

SECTION-B\1-SECTION ANALYSIS

Section 1. This section specifies the short title of this Act as the "Technology-Related Assistance for Individuals With Disabilities Act of 1988."

Section 2. This section specifies the findings and purposes of the Act.

Section 3. This section includes definitions of the following terms: "assistive technology device," "assistive technology service," "individual with disabilities," "institution of higher education," "Secretary," "State," "technology-related assistance," and "underserved groups."

Section 101. This section authorizes the Secretary of Education to make grants to States to assist States to develop and to implement consumer-responsive comprehensive statewide programs of technology-related assistance and specifies the functions and activities the States may perform under these grants.

Section 102. This section directs the Secretary to award 3-year development grants on a competitive basis; specifies the maximum number of grants to be awarded in a fiscal year; specifies the minimum and maximum amounts of the grants; specifies the criteria to be used for calculating the amounts of the awards; provides a priority for previously participating States; specifies the priorities for distribution; and delineates the information and assurances contained in a State's application.

Section 103. This section directs the Secretary to award 2-year extension grants; specifies the minimum and maximum amounts of the grants; specifies the criteria to be used in calculating the amounts of the awards; includes a priority for previously participating States; and delineates the information and assurances contained in a State's application.

Section 104. This section directs the Secretary to establish a system for assessing States receiving development and extensive grants, including onsite visits and corrective action plans. This section also specifies that nothing in title I may be construed to permit the State or any Federal agency to reduce medical or other assistance available or to alter eligibility under specified Federal Laws.

Section 106. This section provides authorization for appropriations for title I.

Section 107. This section directs the Secretary to undertake an evaluation of the program of grants and take the Secretary to work with the States to consider and develop an information system.

Section 201. This section directs the National Council on the Handicapped to conduct a study on the financing of assistive technology devices and assistive technology services for individuals with disabilities.

Section 211. This section directs the Secretary to determine whether it is appropriate to establish and operate a national information and program referral network to assist States in developing and implementing statewide programs of technology-related assistance and if determined to be appropriate, authorizes the Secretary to enter into contract or cooperative agreement necessary to establish and operate such a network.

Section 212. This section directs the Secretary to conduct a study of the feasibility and desirability of establishing such a network.

Section 213. This section specifies the contents of the study referred to in section 212.

Section 214. This section specifies the timetable for the study referred to in section 212.

Section 221. This section authorizes the Secretary to make grants or enter into contracts or cooperative agreements for training.

Section 222. This section authorizes the Secretary to make grants or enter into contracts to carry out public awareness projects.

Section 223. This section directs the Secretary to establish and publish priorities for training and public awareness projects.

Section 231. This section authorizes the Secretary to fund demonstration and innovation projects, including: models for delivering assistive technology devices and services; model research and development projects; and income-contingent direct loan demonstration projects.

Section 241. This section authorizes appropriations for title II of the Act.

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